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# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. 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,
*July 14, 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

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

Lord God, our Creator, You are the source of love and of life. You want us to have life and the fullness of life as members of society and as a nation.

By Your Divine Providence, the full expression of love for You, Almighty God, as well as love of neighbor, begins with the realization of the unique personhood in each and every member within the family. It is there we learn the great task of love, how to accept love and show love in return. Human life teaches us that neither friendship nor patriotism can take the place of family in helping us find our place of fitting in or belonging.

Lord, may the prism of family life prove to be the instrument of discernment for the Members of Congress as they formulate laws and policies for the good of this Nation.

May You bless the families of Congress and this Nation so this common ground may give You glory, both now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## UNEMPLOYMENT BENEFITS

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

Ms. WATSON. Mr. Speaker, right now, 15 million out-of-work Americans are waiting on the Senate to extend unemployment benefits which contribute to paying mortgages, health care bills, utility bills and the cost of food when there isn't a paycheck coming in.

The Democrats' unemployment bill will provide up to 99 weeks of unemployment checks, averaging about $300, to people whose 26 weeks of State-paid benefits have run out. The benefits would be extended through the end of November. In a new Washington Post-ABC News poll released July 13, more than six in ten Americans support congressional action to extend unemployment benefits for jobless workers.

Earlier this month, the House passed the Restoration of Emergency Unemployment Compensation Act to restore and extend emergency unemployment benefits through November 30. Americans know these benefits not only are much needed, but they are their life support.

## CONGRATULATING THE PATRIOTS OF PACE HIGH SCHOOL ON BECOMING THE REGION 1, CLASS 5A BASEBALL STATE CHAMPIONS

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

Mr. MILLER of Florida. Mr. Speaker, it is my pleasure to rise today and congratulate the Patriots of Pace High School for becoming the Region 1, Class 5A baseball state champions.

Pace High School's varsity baseball team, led by Coach Charlie Warner, finished the season with an impressive 31–2 record. The Patriots went unbeaten against Florida competition and won their last 25 games.

For their dominance on the baseball diamond, the Patriots of Pace High earned a number one ranking from ESPN and were crowned ESPN's RISE FAB 50 national champions.

Now, while the Patriots achieved their goal and brought home a state championship, it was not done without countless hours of practice and immeasurable amounts of sacrifice. The time they spent together on and off the field will not only be remembered for capturing a second state title in 5 years, but the forged friendships and lessons learned will never be forgotten.

Once again, I would like to congratulate Pace High School's baseball team on winning their fourth state championship. My wife Vicki and I are extremely proud of these young men.



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## MOVING IN THE RIGHT DIRECTION

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

Mr. BACA. These are tough times for our Nation, but the American people can take heart that with the leadership of President Obama, we are headed in the right direction.

When the President took office, he inherited a $1.2 trillion deficit, two wars, the recession, mounting job losses, and disasters like Katrina that pushed our economy to the brink.

Since then, with his guidance we have passed the American Recovery Act that saved jobs; the expansion of SCHIP, to provide health coverage to 11 million children; the Lilly Ledbetter Fair Pay Act, the equal pay act for women in the workplace; the Credit Card Bill of Rights; and the historic health reform that finally makes quality, affordable coverage a right for every American. Soon we will enact financial reforms that give us the oversight and accountability to prevent another economic collapse.

The President continues to move us in the right direction and is doing all the right things. Unfortunately, our Republican colleagues continue to have no plan and no direction.

## TRIBUTE TO PEARL REX-HARTZELL

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

Mr. CHAFFETZ. Mr. Speaker, I come before the House to pay special tribute to Pearl Rex-Hartzell, who passed away recently.

Pearl's life was dedicated to serving others. She said once, ''As long as I live I have to serve.'' Living up to her motto of service, she could be found constantly smiling, dancing and participating in numerous organizations. Pearl believed that ''we can't just sit back and enjoy freedom. We must work to preserve it.'' This remarkable woman had a deep love of God, country, and family, and she selflessly dedicated her life to helping all those in need.

Pearl represents the reality that a single person can make a positive difference in the lives of those around her by smiling, serving and standing by their principles.

It is appropriate that we honor her accomplishments, her example and her lifelong dedication to community service. I wish nothing but the best to her family and hope they feel the deep gratitude of Utah and truly remember this remarkable woman. She has served our community well, and we will miss her.

## DON'T BE FOOLED BY RELEASE OF POLITICAL PRISONERS BY CUBA

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

Mr. QUIGLEY. Mr. Speaker, I rise today because we cannot be fooled by the Castro regime's announcement to release 52 political prisoners. That would be 52 out of approximately 5,000.

The release of these prisoners, held only because they disagree with the government, would be good news if they were actually being released, but only five to 10 prisoners will be released immediately. The rest will be let go over the next three to four months. Why does it take months to release a group of prisoners when it only took one night to arrest them? We cannot be fooled.

The Castro regime has released prisoners many times before in exchange for lesser sanctions, but these temporary releases never result in permanent reforms.

The regime is unilaterally releasing 52 prisoners, but what is to keep them from simply arresting hundreds more? We cannot be fooled. And above all, we cannot alter our sanctions or policies towards Cuba based on this one superficial gesture.

□ 1010

## DEBT

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

Ms. JENKINS. For the past 18 months, the leadership in the House has ignored the impending fiscal crisis, acting like they know best and that the economy would recover if we simply spent more money. They're wrong. And today, I'd like to remind them of one number that should get their attention: $166 billion. A few years ago, that was more than the annual budget deficit. Now, that's how much the debt increased on June 30 alone. The President's fiscal commission said this debt is a cancer ''that will destroy the country from within.'' As a daughter of two cancer survivors, those words are strong. But as a CPA that knows how debilitating debt can be, I couldn't agree more. It's time for the majority to stop ignoring reality. It's time to stop the reckless spending and get the $13.2 trillion debt under control.

## FISCAL RESPONSIBILITY

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

Mr. SCHRADER. As a member of the fiscally conservative Blue Dog Coalition, I would like to bring attention to my district's growing concern about our national debt. Oregon's Fifth Congressional District has been severely impacted by the recent economic downturn. Like Oregon families throughout my State, Congress must start learning to live within its means. I put a high priority on financial responsibility, which is why I've introduced H.R. 5363, the Preventing Waste, Fraud, and Abuse Act of 2010. The Act encourages the Federal Government to make strategic investments to eliminate waste, fraud, and abuse in our entitlement programs. For every dollar we put into the program, we get $1.50 to $8 back.

Today, we will be voting on the Improper Payments Elimination and Recovery Act of 2010. By passing this bill, we will expand the process of identifying programs and activities susceptible to improper payments. Identifying these programs will eliminate fraud. I urge my colleagues to support this bill.

## MOB VIOLENCE

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

Mr. COBLE. Mr. Speaker, mob violence serves no good purpose. Last week, a California mob violently disagreed with the jury verdict in a high-profile case. I have no opinion if the verdict is inconsistent with the facts of the case, but I do have an opinion that mob violence offers no solutions. I do not embrace all jury verdicts, but when I am not in agreement with jury verdicts, I do not resort to violence. I do not promote the smashing of plate-glass windows. I do not promote the stealing of goods behind those windows. I do not promote the inflicting of injury upon innocent third parties.

Mob members taking the law into their own hands, Mr. Speaker, is opposed to all that is good about America, yet few people have spoken out against it. Surely, the majority of Americans are opposed to mob violence. I reiterate: Mob violence serves no good purpose and should be deterred and rejected.

## FIGHTING FOR SENIORS

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

Mr. MURPHY of New York. Mr. Speaker, I rise today in support of seniors across upstate New York. Since coming to Washington, I have fought to strengthen Medicare, protect Social Security, and ensure that our seniors can retire with dignity. As a founding member of the Seniors Task Force, I was proud to help introduce the Seniors Bill of Rights to guarantee the dignity and independence of all older Americans. We need to ensure that they have access to quality, affordable health and long-term care. We need to provide protection from scams, abuses, and exploitation. And we need to provide safe and livable communities.

For years, credit card companies have taken advantage of our seniors by

doing things like changing the terms of their agreements without telling them or advertising one rate and giving another. Last year, we saw a bipartisan effort with the Credit CARD Act to prevent these kinds of scams. We also worked this year to close the Medicare part D doughnut hole. Last month, our seniors started receiving $250 checks to close that hole. And by 2020, it will be gone entirely. No senior should have to choose between purchasing drugs and medicines they need or putting food on their table. And no senior should be scammed by credit card companies.

## TRIBUTE TO GEORGE STEINBRENNER

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

Mr. STEARNS. Mr. Speaker, as the owner of the New York Yankees, George Steinbrenner was known for his bravado. But to the people of my district, he was known as a gentleman horse farm owner and community leader. He had a tremendous impact on north central Florida. In 1969, he bought the 850-acre Kinsman Stud Horse Farm in Ocala. He was an active horse breeder and a successful local businessman. He also owned the Pinstripes Ramada Inn in Ocala. In addition, Mr. Speaker, he became one of the largest benefactors in the University of Florida's history. He built the George Steinbrenner Band Hall, and he helped found the large animal and equine programs at the University of Florida veterinary school.

While most of the tributes to George Steinbrenner rightfully focus on his ownership of the New York Yankees, the people of north central Florida feel we have lost a great friend and a good neighbor.

## EXTEND UNEMPLOYMENT BENEFITS

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

Mr. SCHAUER. Mr. Speaker, I ran for Congress to support ideas, no matter whose they were, to get our economy going. Well, unemployment rates across my district in Michigan are gradually falling. There are 23,000 people that I represent that will lose their lifeline by the end of the year unless the Republicans end their filibuster in the Senate.

Let's be clear: Our economy will worsen and our deficit will worsen if unemployment benefits aren't extended. I repeat that: Our economy will worsen and our deficit will worsen if unemployment benefits aren't extended at this critical time. Don't take my word for it—economists of all political stripes agree. Even JOHN MCCAIN's economic adviser, Mark Zandi, said, No form of the fiscal stimulus has proved more effective during the past 2 years than emergency unemployment insurance benefits providing a bang-for-the-buck of $1.61 for every dollar of unemployment benefits.

It's time for us to act to provide a lifeline and help our economy.

## MORE DELAYS ON TROOP FUNDING

(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, before Congress adjourned for the July 4th recess, I stood at this spot with a plea to Democratic leadership to do the right thing and bring the military supplemental bill forward as a clean bill for quick passage. My request and those of many of my colleagues went unanswered. The result? Our troops at risk do not have the funding they need. It is a shame that Congress could not get this troop funding bill passed before the Pentagon's deadline. By not passing or debating a budget—another travesty—Congress certainly has had plenty of time to get this done.

As a veteran myself, with four sons currently serving in the military, I know we have brave men and women in uniform around the world who shouldn't have to worry about Congress' failure to fund their programs and missions. We have counterinsurgency operations right now in Iraq and Afghanistan that should not be interrupted or held up by lawmakers so they can add billions of additional dollars in unrelated pet projects.

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

## WHY GO BACK?

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

Mr. JOHNSON of Georgia. Republicans, sadly, apologized to BP and call Wall Street reform an ant being hated by the U.S. Government. Meanwhile, they continue to say ''no'' to Democratic Party attempts to extend unemployment insurance benefits for the next 6 months. They're calling these benefits an ''entitlement'' and say that they're being abused by folks who can't find a job. And this despite an analysis by the nonpartisan Congressional Budget Office suggesting that extending unemployment benefits is the most cost-effective and fast-acting way to spur the economy.

Congressional Republicans support the special interests that benefited from George Bush policies and created the worst financial crisis since the Great Depression. A decade of Republican rule nearly doubled our national debt. Why would we go back to that?

□ 1020

## AMERICA SPEAKING OUT

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

Mr. REHBERG. Thousands of Montanans are joining millions of Americans speaking out. I have heard from them at seven listening sessions across Montana just last week. And thanks to an innovative House Republican initiative called America Speaking Out, they can join people around the country online at americaspeakingout.com.

Unfortunately, this majority has not been listening. When emails and phone systems were overwhelmed by the opposition to the stimulus, they turned off their phones. When town hall meetings were overrun by angry constituents, they stopped holding public meetings. When the opposition to their health care takeover got too hot, they held closed-door meetings and capped it off with a 1 a.m. vote. Americans deserve better.

We deserve a government that listens first and then acts. We deserve a government that remembers who it works for. That's what I'm doing in Montana, and that's what House Republicans are doing online. Please join me today by logging on at americaspeakingout.com. Together, we will make a difference.

## CUBA CONTINUES TO OPPRESS ITS PEOPLE

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in protest of the Castro regime's intention to forcibly deport 52 political prisoners under the guise of release. Historically, the Castro regime has used political prisoners as pawns to extract international concessions and ease criticism. But as The Washington Post pointed out in their reporting on this story, this gesture does not represent fundamental political change. As more political dissidents die of hunger strikes in Cuba, we cannot allow this hollow gesture to blind us from the reality on the ground.

In Cuba's authoritarian dictatorship, every dollar that flows into the country props up the Castro regime. In the meantime, Alan Gross of Potomac, Maryland, arrested for distributing cell phones and laptops to Cuba's tiny Jewish community, continues to sit in prison with no hope of release.

A relationship with the United States must be earned. Banishing political dissidents from their homeland hardly meets that test. This cheap political trick is surely of no solace for Gross and others still in jail.

## CUBA'S POLITICAL PRISONERS

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, Fidel Castro showed himself on television this week to remind the world that he is alive and in power, despite having turned over some titles to his puppet brother. What he does is he throws Cuban patriots in the dungeons; and then when he feels pressure, he releases Cuban patriots, deports them from the country, expels them, gives them the choice, ''Do you want to stay in the dungeon or be expelled from your country?'' to gain diplomatic and economic oxygen. He wants U.S. sanctions eliminated and he wants the European common position, which ties a close relationship between Cuba and Europe to an improvement in human rights, he wants that common position eliminated.

He comes together with the Spanish Foreign Minister, Mr. Moratinos, and they agree upon a supposed number of political prisoners; under 200, they say there are. The U.S. State Department, in March, makes clear that only those charged under so-called dangerousness—whatever that means—number 5,000 in the Cuban dungeons.

Let's not be fooled. Let's not be fooled. The solution to the Cuban problem is free elections, the release of all political prisoners through free elections in Cuba.

## UNEMPLOYMENT BENEFITS

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

Ms. HIRONO. Mr. Speaker, by continuing to deny the extension of unemployment benefits, Republicans are perpetuating their heartlessness on the backs of the working people of this country. Last week in Hilo, I met a group of contractors who shared with me not only their struggles in today's difficult economy, but that of people they know who have lost their jobs. These hardworking people can't find jobs not for a lack of effort but for a lack of jobs.

Before the July 4 recess, the House passed a bill that would extend unemployment benefits through the end of November. This extension would save 6,000 residents in Hawaii from losing their benefits. Every month that Congress fails to act, another 2,150 people in Hawaii will lose their benefits. These benefits amount to an average of $415 a week, which helps families buy food and keep a roof over their heads until they can find a job. And for every $1 they spend, $1.60 is generated in economic growth for local businesses.

We cannot turn our backs on hardworking people by taking away their unemployment benefits. The time to act is now.

## TIMMY BERGERON WRITES THE PRESIDENT

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

Mr. POE of Texas. Mr. Speaker, I received a letter from a really mad Cajun named Timmy Bergeron. He is from Houma, Louisiana, and runs an oil-related drilling business.

Timmy's letter is to the President and says, ''I am terribly troubled that after striving to find jobs for Americans, you make a hasty decision to stop drilling for 6 months. Did you stop coal mining after all the incidents they have been having? No. Did you stop the airlines after all the crashes and accidents they have been having? No. Now you want to shut down the oil industry for 6 months, which will hurt tens of thousands of workers! I only hope you understand the trickle-down effect this will have on many industries.''

Mr. Speaker, the rest of the letter gets a bit more colorful, but Mr. Bergeron wants to know why the President is intentionally putting him out of business. Maybe the President will write him back. Meanwhile, the ill-advised deepwater drilling ban is putting people out of work and is the second disaster in the Gulf of Mexico.

And that's just the way it is.

## EXTEND UNEMPLOYMENT BENEFITS FOR AMERICANS

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

Mr. YARMUTH. Mr. Speaker, Senate Republicans continue to refuse to allow the extension of unemployment insurance benefits to the American people. Let me tell you what that does in my State.

If we don't extend those benefits within a very short period of time, 125,000 Kentuckians will be without the means to support their families. That means, in addition to human suffering, we're talking about $125 million a month that will not be spent in the Kentucky economy. Multiply that across the country, and you see the incredible effect that it can have.

I don't think that Republicans really mean it when they say, Well, we're okay with supporting it, but we want to pay for it. They didn't say the same thing when they got into two wars, provided a new entitlement prescription drug benefit, and passed tax cuts for the wealthiest Americans.

You can't build a political philosophy on the pain and suffering of the American people, but that's the only conclusion that I can reach. They figure, create as much pain and damage as you can create, and then the American people will blame the party in power for it. That's a pretty cynical way to approach the lives of the American people and Kentuckians.

## A TRIBUTE TO THE THIRD CONGRESSIONAL DISTRICT OF TEXAS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to honor the recent accolades of the Third Congressional District of Texas. While I know it's a great place to live, work, and raise a family, clearly, other notable and even national publications have paid attention, too.

For example, D Magazine put the spotlight on the best suburbs for Dallas; and 11 out of all 11 cities in the Third District outside of Dallas ranked among the top: Parker, Murphy, Allen, Sachse, Plano, Frisco, Wylie, McKinney, Rowlett, Richardson, and Garland.

Money Magazine just named McKinney, Texas, as the fifth most desirable place to live in the Nation, while Allen took 16th and Rowlett claimed 24th. In addition, Newsweek featured 10 Third District high schools in June in the America's Best High Schools edition.

My hat goes off to the people who make Texas places so special and the leaders who had the vision and courage to make their dreams for these communities a reality. Congratulations to all. God bless you. I salute you.

## A TRIBUTE TO TOMMY DURHAM

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Tommy Durham, a gentleman in my community who passed away a few days ago. Tommy was known as the mayor of West Madison Street, where he ran a used appliance business and fixed air conditioners, stoves, heaters. Anything that needed fixing, Tommy could do it.

He was passionately involved in politics and ran for office more than 40 years ago. He did not win the election, but he did win a place in the hearts and minds of the people, and I pay tribute to him and his life today.

□ 1030

## CUBA'S RELEASE OF POLITICAL PRISONERS

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, this week we've seen that the Castro dictatorship has released a handful of political prisoners in an attempt to try to win concessions from the European Union and the United States. It's not the first time they've done that to try to win concessions.

At the same time, the Obama administration recognizes that there are about 5,000 Cubans that are held in the gulags of that nation for the charge of dangerousness. Those are 5,000 additional political prisoners that languish in prison.

We've got to remember who the Castro regime, that terrorist regime, who

they are. This week alone they've blamed the United States for sinking the South Korean ship that killed 46 sailors early this year. They blamed the United States.

This is the same regime that holds an American hostage, Mr. Alan Gross, a Jewish American contractor who was providing humanitarian aid to Cuban Jews within that island nation.

This is the same regime that, last month, Fidel Castro himself compared Israel to Nazi Germany. And yet some want to give concessions to that regime. Some want to help that regime with billions of dollars.

Let's stay firm. Let's demand elections. Let's demand freedom for the Cuban people.

## EXTEND UNEMPLOYMENT COMPENSATION INSURANCE BENEFITS

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

Ms. KILROY. Mr. Speaker, today I rise to call on my colleagues, and particularly my colleagues in the Senate and those Republicans, to give much needed relief to 15 million out-of-work Americans and extend unemployment compensation insurance benefits. It is unprecedented not to do so at a time of high unemployment, over 10 percent in my district.

And I take strong issue with comments that the unemployed don't want to work, that they aren't looking for jobs. They do. They want to pay their bills. They want to support their families, make those utility payments, put food on their table, send their children to college.

But right now I have talked to anguished, hardworking men and women who have lost jobs when their factories closed and have been looking continuously for work. It's not yet there. They are looking for these jobs, but they need this help now. It is time that we extend unemployment compensation and give these hardworking citizens the help that they need.

## HONORING THE LIFE OF SERGEANT MATTHEW R. HENNIGAN

(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, I rise today to honor Army Sergeant Matthew Hennigan, a resident of southern Nevada who was killed in action serving in Afghanistan.

Sergeant Hennigan was a strong willed and brave soldier who never shied away from a challenge or turned down an opportunity to serve. With a contagious smile and a warm personality, Sergeant Hennigan was a strong and fearless soldier and a friend to many. He is remembered by his fellow soldiers as a model citizen, a strong warrior, and a respected leader.

He was an inspirational captain of the Silverado High School wrestling team in his senior year; and upon graduation, he answered the call to serve his Nation at the young age of 17. He did so with valor and dignity.

Matthew Hennigan is a true American hero. He epitomizes the best this country has to offer. Let us always honor his memory, never forget his sacrifice, and promise to be there for his family in this sad time.

God bless our troops.

## PASSPORTS FOR THE IROQUOIS NATIONAL LACROSSE TEAM

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

Mr. MAFFEI. Mr. Speaker, this morning a team of Iroquois Indians attempted to board a plane for the United Kingdom to compete in an international lacrosse competition, where they would represent the Iroquois or Hodneshoni Nation on the world stage. Again they were denied entry because they were traveling on their own people's passports instead of U.S. or Canadian.

Though the British invited this team to compete from the Iroquois Nation, they refused the Iroquois passports unless the U.S. officially said it was okay. But the U.S. refused to do so, even though dozens of Iroquois have traveled internationally, including overseas with these documents.

Mr. Speaker, the Iroquois nationals team is not a security risk and willingly subjected themselves to fingerprinting and background checks. In fact, the U.S. State Department offered to rapidly expedite U.S. passports for much of the team. But to this team, accepting U.S. passports would be akin to renouncing their own national and ethnic identity. It's a matter of principle to them.

The State Department and Homeland Security Department have lost the forest through the trees in refusing to allow the team to travel as citizens of an indigenous nation.

Mr. Speaker, in the Academy Award winning film, ''Chariots of Fire,'' a Scottish running hero, Eric Liddell, is praised for sticking to his religious beliefs even when they threatened to keep him out of the 1924 Olympics. He's a true man of principle.

Mr. Speaker, this team is a true team of principle.

## EXTENSION OF UNEMPLOYMENT INSURANCE

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

Mr. MCDERMOTT. Mr. Speaker, recently Senator JOHN KYL called unemployment insurance ''a necessary evil,'' and I must say his statement gave me some clarity for the first time in months. I've been mystified about how the Republicans could repeatedly block unemployment benefits in a struggling economy that they drove into the ditch.

I couldn't grasp this reasoning behind depriving millions of American families the support they need to buy food and pay their mortgage while they searched for work. Now, I understand that Republicans evidently believe that helping jobless workers is an evil.

I foolishly thought we might hear some compassion from the very party that is causing countless Americans to lose their lifeline. I just hope that enough Republicans in the other body will find the courage to buck their party and end this.

Millions of families are counting on them. Their phone calls come into my office every single day from all over the country: When will the extended benefits be put back in? And I say, look to the Republicans in the Senate.

## 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.

## IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1508) to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1508

*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 ''Improper Payments Elimination and Recovery Act of 2010''.

**SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.**

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

''(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

''(2) FREQUENCY.—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the

Improper Payments Elimination and Recovery Act of 2010 is enacted and at least once every 3 fiscal years thereafter. For those agencies already performing a risk assessment every 3 years, agencies may apply to the Director of the Office of Management and Budget for a waiver from the requirement of the preceding sentence and continue their 3-year risk assessment cycle.

''(3) RISK ASSESSMENTS.—

''(A) DEFINITION.—In this subsection the term 'significant' means—

''(i) except as provided under clause (ii), that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 2.5 percent of program outlays; or

''(II) $100,000,000; and

''(ii) with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget, that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 1.5 percent of program outlays; or

''(II) $100,000,000.

''(B) SCOPE.—In conducting the reviews under paragraph (1), the head of each agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

''(i) whether the program or activity reviewed is new to the agency;

''(ii) the complexity of the program or activity reviewed;

''(iii) the volume of payments made through the program or activity reviewed;

''(iv) whether payments or payment eligibility decisions are made outside of the agency, such as by a State or local government;

''(v) recent major changes in program funding, authorities, practices, or procedures;

''(vi) the level, experience, and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate; and

''(vii) significant deficiencies in the audit report of the agency or other relevant management findings that might hinder accurate payment certification.''.

(b) ESTIMATION OF IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (b) and inserting the following:

''(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the relevant agency shall—

''(1) produce a statistically valid estimate, or an estimate that is otherwise appropriate using a methodology approved by the Director of the Office of Management and Budget, of the improper payments made by each program and activity; and

''(2) include those estimates in the accompanying materials to the annual financial statement of the agency required under section 3515 of title 31, United States Code, or similar provision of law and applicable guidance of the Office of Management and Budget.''.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

''(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce improper payments, including—

''(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

''(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount such expenditures would save in prevented or recovered improper payments, a statement of whether the agency has what is needed with respect to—

''(A) internal controls;

''(B) human capital; and

''(C) information systems and other infrastructure;

''(3) if the agency does not have sufficient resources to establish and maintain effective internal controls under paragraph (2)(A), a description of the resources the agency has requested in its budget submission to establish and maintain such internal controls;

''(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget; and

''(5) a description of the steps the agency has taken to ensure that agency managers, programs, and, where appropriate, States and localities are held accountable through annual performance appraisal criteria for—

''(A) meeting applicable improper payments reduction targets; and

''(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

''(i) prevent improper payments from being made; and

''(ii) promptly detect and recover improper payments that are made.''.

(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (d) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (c) the following:

''(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note), the head of the agency shall provide with the estimate under subsection (b) a report on all actions the agency is taking to recover improper payments, including—

''(1) a discussion of the methods used by the agency to recover overpayments;

''(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent such amounts represent of the total overpayments of the agency;

''(3) if a determination has been made that certain overpayments are not collectable, a justification of that determination;

''(4) an aging schedule of the amounts outstanding;

''(5) a summary of how recovered amounts have been disposed of;

''(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

''(7) if the agency has determined under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note) that performing recovery audits for any applicable program or activity is not cost-effective, a justification for that determination.

''(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.—

''(1) REPORT.—Each fiscal year the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions agencies have taken to report information regarding improper payments and actions to recover improper overpayments to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Oversight and Government Reform of the House of Representatives.

''(2) CONTENTS.—Each report under this subsection shall include—

''(A) a summary of the reports of each agency on improper payments and recovery actions submitted under this section;

''(B) an identification of the compliance status of each agency to which this Act applies;

''(C) governmentwide improper payment reduction targets; and

''(D) a discussion of progress made towards meeting governmentwide improper payment reduction targets.''.

(e) DEFINITIONS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsections (f) (as redesignated by this section) and inserting the following:

''(f) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

''(2) IMPROPER PAYMENT.—The term 'improper payment'—

''(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

''(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), and any payment that does not account for credit for applicable discounts.

''(3) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

''(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' shall include a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or any other funding mechanism.''.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

''(g) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2010, the Director of the Office of Management and Budget shall prescribe guidance for agencies to implement the requirements of this section. The guidance shall not include any exemptions to such requirements not specifically authorized by this section.

''(2) CONTENTS.—The guidance under paragraph (1) shall prescribe—

''(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

''(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.''.

(g) DETERMINATIONS OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop—

(1) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over improper payments; and

(2) criteria for an agency that has demonstrated a stabilized, effective system of internal control over improper payments, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over improper payments, rather than an annual cycle.

(h) RECOVERY AUDITS.—

(1) DEFINITION.—In this subsection, the term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) IN GENERAL.—

(A) CONDUCT OF AUDITS.—Except as provided under paragraph (4) and if not prohibited under any other provision of law, the head of each agency shall conduct recovery audits with respect to each program and activity of the agency that expends $1,000,000 or more annually if conducting such audits would be cost-effective.

(B) PROCEDURES.—In conducting recovery audits under this subsection, the head of an agency—

(i) shall give priority to the most recent payments and to payments made in any program or programs identified as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Government; and

(iii) may conduct recovery audits directly, by using other departments and agencies of the United States, or by procuring performance of recovery audits by private sector sources by contract (subject to the availability of appropriations), or by any combination thereof.

(C) RECOVERY AUDIT CONTRACTS.—With respect to recovery audits procured by an agency by contract—

(i) subject to subparagraph (B)(iii), and except to the extent such actions are outside the agency's authority, as defined by section 605(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), the head of the agency may authorize the contractor to notify entities (including persons) of potential overpayments made to such entities, respond to questions concerning potential overpayments, and take other administrative actions with respect to overpayment claims made or to be made by the agency; and

(ii) such contractor shall have no authority to make final determinations relating to whether any overpayment occurred and whether to compromise, settle, or terminate overpayment claims.

(D) CONTRACT TERMS AND CONDITIONS.—

(i) IN GENERAL.—The agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

(I) provide to the agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate such conditions;

(II) notify the agency of any overpayments identified by the contractor pertaining to the agency or to any other agency or agencies that are beyond the scope of the contract; and

(III) report to the agency credible evidence of fraud or vulnerabilities to fraud, and conduct appropriate training of personnel of the contractor on identification of fraud.

(ii) REPORTS ON ACTIONS TAKEN.—Not later than November 1 of each year, each agency shall submit a report on actions taken by the agency during the preceding fiscal year to address the recommendations described under clause (i)(I) to—

(I) the Office of Management and Budget; and

(II) Congress.

(E) AGENCY ACTION FOLLOWING NOTIFICATION.—An agency shall take prompt and appropriate action in response to a report or notification by a contractor under subparagraph (D)(i)(I) or (II), to collect overpayments and shall forward to other agencies any information that applies to such agencies.

(3) DISPOSITION OF AMOUNTS RECOVERED.—

(A) IN GENERAL.—Amounts collected by agencies each fiscal year through recovery audits conducted under this subsection shall be treated in accordance with this paragraph. The agency head shall determine the distribution of collected amounts, less amounts needed to fulfill the purposes of section 3562(a) of title 31, United States Code, in accordance with subparagraphs (B), (C), and (D).

(B) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an agency through recovery audits—

(i) shall be available to the head of the agency to carry out the financial management improvement program of the agency under paragraph (4);

(ii) may be credited, if applicable, for that purpose by the head of an agency to any agency appropriations and funds that are available for obligation at the time of collection; and

(iii) shall be used to supplement and not supplant any other amounts available for that purpose and shall remain available until expended.

(C) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an agency—

(i) shall be credited to the appropriation or fund, if any, available for obligation at the time of collection for the same general purposes as the appropriation or fund from which the overpayment was made;

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited; and

(iii) if the appropriation from which the overpayment was made has expired, shall be newly available for the same time period as the funds were originally available for obligation, except that any amounts that are recovered more than five fiscal years from the last fiscal year in which the funds were available for obligation shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(D) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an agency shall be available to the Inspector General of that agency—

(i) for—

(I) the Inspector General to carry out this Act; or

(II) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments; and

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

(E) REMAINDER.—Amounts collected that are not applied in accordance with subparagraph (A), (B), (C), or (D) shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(F) DISCRETIONARY AMOUNTS.—This paragraph shall apply only to recoveries of overpayments that are made from discretionary appropriations (as that term is defined by paragraph 7 of section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985) and shall not apply to recoveries of overpayments that are made from discretionary amounts that were appropriated prior to enactment of this Act.

(G) APPLICATION.—This paragraph shall not apply to recoveries of overpayments if the appropriation from which the overpayment was made has not expired.

(4) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

(A) REQUIREMENT.—The head of each agency shall conduct a financial management improvement program, consistent with rules prescribed by the Director of the Office of Management and Budget.

(B) PROGRAM FEATURES.—In conducting the program, the head of the agency—

(i) shall, as the first priority of the program, address problems that contribute directly to agency improper payments; and

(ii) may seek to reduce errors and waste in other agency programs and operations.

(5) PRIVACY PROTECTIONS.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subsection, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(6) OTHER RECOVERY AUDIT REQUIREMENTS.—

(A) IN GENERAL.—(i) Except as provided in clause (ii), subchapter VI of chapter 35 of title 31, United States Code, is repealed.

(ii) Section 3562(a) of title 31, United States Code, shall continue in effect, except that references in such section 3562(a) to programs carried out under section 3561 of such title, shall be interpreted to mean programs carried out under section 2(h) of this Act.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 31, United States Code, is amended by striking the matter relating to subchapter VI.

(ii) DEFINITION.—Section 3501 of title 31, United States Code, is amended by striking ''and subchapter VI of this title''.

(iii) HOMELAND SECURITY GRANTS.—Section 2022(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(6)) is amended by striking ''(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code)'' and inserting ''under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)''.

(7) RULE OF CONSTRUCTION.—Except as provided under paragraph (5), nothing in this section shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under existing

provisions of law to recover improper payments and use recovered amounts.

(i) REPORT ON RECOVERY AUDITING.—Not later than 2 years after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note), in consultation with the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409) and recovery audit experts, shall conduct a study of—

(1) the implementation of subsection (h);

(2) the costs and benefits of agency recovery audit activities, including—

(A) those activities under subsection (h); and

(B) the effectiveness of using the services of—

(i) private contractors;

(ii) agency employees;

(iii) cross-servicing from other agencies; or

(iv) any combination of the provision of services described under clauses (i) through (iii); and

(3) submit a report on the results of the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

**SEC. 3. COMPLIANCE.**

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) ANNUAL FINANCIAL STATEMENT.—The term ''annual financial statement'' means the annual financial statement required under section 3515 of title 31, United States Code, or similar provision of law.

(3) COMPLIANCE.—The term ''compliance'' means that the agency—

(A) has published an annual financial statement for the most recent fiscal year and posted that report and any accompanying materials required under guidance of the Office of Management and Budget on the agency website;

(B) if required, has conducted a program specific risk assessment for each program or activity that conforms with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(C) if required, publishes improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the accompanying materials to the annual financial statement;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement;

(E) publishes improper payments reduction targets established under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement for each program assessed to be at risk, and is meeting such targets; and

(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF AGENCIES.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance and submit a report on that determination to—

(1) the head of the agency;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

(4) the Comptroller General.

(c) REMEDIATION.—

(1) NONCOMPLIANCE.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) in a fiscal year, the head of the agency shall submit a plan to Congress describing the actions that the agency will take to come into compliance.

(B) PLAN.—The plan described under subparagraph (A) shall include—

(i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;

(ii) the designation of a senior agency official who shall be accountable for the progress of the agency in coming into compliance for each program or activity; and

(iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the agency to come into compliance for each program and activity.

(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for 2 consecutive fiscal years for the same program or activity, and the Director of the Office of Management and Budget determines that additional funding would help the agency come into compliance, the head of the agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts.

(B) FUNDING.—In providing additional funding described under subparagraph (A), the head of an agency shall use any reprogramming or transfer authority available to the agency. If after exercising that reprogramming or transfer authority additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under subparagraph (A), the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(3) REAUTHORIZATION AND STATUTORY PROPOSALS.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for more than 3 consecutive fiscal years for the same program or activity, the head of the agency shall, not later than 30 days after such determination, submit to Congress—

(A) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; or

(B) proposed statutory changes necessary to bring the program or activity into compliance.

(d) COMPLIANCE ENFORCEMENT PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may establish 1 or more pilot programs which shall test potential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this Act and eliminating improper payments.

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the findings associated with any pilot programs conducted under paragraph (1). The report shall include any legislative or other recommendations that the Director determines necessary.

(e) REPORT ON CHIEF FINANCIAL OFFICERS ACT OF 1990.—Not later than 1 year after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409), in consultation with a broad cross-section of experts and stakeholders in Government accounting and financial management shall—

(1) jointly examine the lessons learned during the first 20 years of implementing the Chief Financial Officers Act of 1990 (31 U.S.C. 901) and identify reforms or improvements, if any, to the legislative and regulatory compliance framework for Federal financial management that will optimize Federal agency efforts to—

(A) publish relevant, timely, and reliable reports on Government finances; and

(B) implement internal controls that mitigate the risk for fraud, waste, and error in Government programs; and

(2) jointly submit a report on the results of the examination to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. 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 gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Office of Management and Budget recently reported that the Federal Government made $98 billion in improper and overpayments last year. This is a staggering amount and completely unacceptable. No family or business in America would tolerate being charged twice or overbilled for anything, and neither should our government.

We need to do everything we can to ensure that the government spends every tax dollar in the most responsible way possible. In fact, we have an obligation to the taxpayers to fight waste, fraud and abuse and to ensure that if the government overpays for something, it has the means to recover those precious tax dollars.

The bill we're now considering, S. 1508, the Improper Payments Elimination and Recovery Act of 2010, will provide the government with the means to fulfill this obligation to the taxpayers.

Senate 1508 amends the Improper Payments Information Act of 2002 to require the head of each Federal agency to review agency programs and activities every 3 fiscal years and identify those programs that may be susceptible to significant improper payments. If agency heads determine that significant overpayments have occurred, they must then recover them by following the procedures in the act.

The bill also requires the agencies which make significant improper payments to implement internal controls and other procedures to help eliminate any future improper payments.

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The House passed a companion bill, H.R. 3393, the Improper Payments Elimination Act of 2009, introduced by Representative PATRICK MURPHY on April 28, 2010, by a voice vote. S. 1508 has small but important changes from the base text in H.R. 3393. S. 1508 strengthens the bill by requiring recovery audit contractors to report the fraud they find and to conduct appropriate training on the means and methods to do so. S. 1508 also requires the agencies to report to Congress and OMB their actions and plans to address the recommendations they receive from the audit recovery contractors.

S. 1508 provides the Federal Government with the tools needed to prevent mistakes and overpayments in the first place, and recover funds that are paid in error. It makes Federal agencies more accountable for properly managing taxpayer funds. The bill requires agencies to develop and report corrective action plans based on measured error rates, and creates incentives for meeting their goals and penalties for failure. Importantly, the bill also gives the agency the means to go after the funds they have overpaid, which will make the taxpayer, agencies, programs, and activities which relied on those appropriations whole.

We are living in a time when our government is living under extreme fiscal demands, and we need to do everything possible to ensure that every tax dollar goes to where it is needed. To ensure this takes place, we need to provide our Federal agencies with the tools to properly manage their spending. We also need to give the agencies the ability to follow through with their oversight and provide them with the ability to recover erroneous payments. However, we cannot stop there. We must do everything we can to ensure that Federal agencies that make improper payments fix the problems that allowed the improper payments in the first place.

I would like to thank Representatives MURPHY, BILBRAY, TOWNS, and ISSA for working together in a truly bipartisan manner to get this important piece of legislation enacted into law. S. 1508 is a commonsense, good government bill, and I encourage my colleagues to join me in supporting it.

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

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

Mr. Speaker, I rise in support of Senate bill 1508, the Improper Payments Elimination and Recovery Act of 2010. The amount of waste, fraud, and abuse of taxpayer dollars by Federal agencies is absolutely staggering. The Office of Management and Budget, the OMB, has reported that nearly $100 billion is wasted each year as a result of mistakes by our Federal agencies when paying for products and services. Last year, roughly $98 billion was lost in improper payments, $98 billion, the result of fraud or poor financial management. Half of this came from Medicare and Medicaid programs alone.

Ninety-eight billion dollars is more than double the budget of the Department of Homeland Security. At a time when our country is facing record budget deficits, we cannot afford to lose billions of dollars each year to mistakes and fraud.

Mr. Speaker, in April of this year, the House passed H.R. 3393, the companion to Senate bill 1508. The Senate has since made improvements to the legislation that will strengthen our ability to eliminate improper payments and recover lost funds. Like H.R. 3393, Senate bill 1508 helps prevent improper payments by requiring agencies to report their corrective action plans and improper payment reduction targets used to remedy their payment error problems, lowers the reporting threshold for improper payments, and expands the use of recovery auditing by requiring that all agencies with outlays of more than $1 million perform recovery audits on their programs and activities to increase the recovery of overpayments.

Senate bill 1508 strengthens H.R. 3393 by requiring additional reporting and training related to fraud, and ensures that agencies take action to mitigate overpayment vulnerabilities by requiring agencies to report to the OMB and the Congress on the measures that they are taking.

Mr. Speaker, I urge all of my colleagues to support this important piece of legislation to help stop the waste, fraud, and abuse of the taxpayer dollars. We should expect nothing less.

Mr. Speaker, I yield such time as he may consume to one of the key people in the development of this legislation, my colleague from California (Mr. BILBRAY).

Mr. BILBRAY. I would like to thank the gentleman from Utah for yielding.

Mr. Speaker, I enjoyed working with PATRICK MURPHY, the gentleman from Pennsylvania, developing this bill, really looking at creating a transparent process so the American people can finally see what they have been telling Washington for a long time existed.

While this is a small step, it is a good example of what the American people have been demanding over the years, but especially just recently. I think all of us that go home and talk to our constituents understand that the exchanges with the average citizen for a Member of Congress has been let's just say brisk to say the least. And one of the greatest things that the American people are upset about is the feeling that their money is not being handled appropriately, that the dollars and cents that the Federal Government is taking from them after they work hard for every dollar and cent is not being handled in an appropriate way that they feel confident with.

Today we are going to take an action that is a small step. It's not going to solve the problem, but it is very much an indication of the kind of action the American people have been demanding. The fact is it's time that the bipartisan forces in this Congress and in future Congresses understand that our greatest responsibility and obligation is not to the party leaders of either Republican or Democrat, but to the taxpayers who pay our salary, but more importantly, trust us with their hard-earned money to use it appropriately and responsibly.

Mr. Speaker, when we talk about this year facing a $1.3 trillion deficit, I think that we have got to recognize it's time that we start doing what the American people are demanding. Ending improper payments is the low-hanging fruit right now. Basically, it's there for the picking. And that's probably why we are able to do it today.

Frankly, according to the Office of Management and Budget, we are talking about approximately $98 billion. Now, $98 billion seems to be an abstract, but consider the fact that that is almost twice what we spend on the homeland security budget. We talk about defending our neighborhoods, trying to secure our borders, trying to make sure terrorism stays out of our communities, we talk a lot about that. But when we recognize that we are now giving away, wrongly, twice as much money as we spend on our own homeland security, I think the American people have a reason to be outraged, and justifiably so.

By working in a bipartisan manner, we have been able to get the Senate to cooperate and craft a solution for this long-standing problem. And frankly, I think our bill really does set the goal that we should try to follow, and that is, let's find out how much more we can cooperate, how many more dollars we can save, and how much more credibility we can finally start bringing back to this body from the American people, for the American people. Our bill is endorsed by the budget watchdog organizations liked the National Taxpayers Union and the Council on Citizens Against Government Waste.

Mr. Speaker, I have the privilege of serving as the ranking member for the Subcommittee on Procurement. I not only strongly ask my colleagues to support this bill, but I would like to leave you with a question, a question for Republicans and Democrats, but most importantly a question the American people would like to ask. And that

is, how much more could we save if this Congress was brave enough to look deeper into our budget and our expenditures? How much more could we be saving for the taxpayer or providing to the citizens if we were brave enough to really audit our own books the way we expect the private sector and citizens to do every year?

If we only had the bravery to look in and find the truth and take action on it, I think that when we go back to our districts there would be a different welcome, a different type of response. And frankly, I think the response we have received in the past is one that we have deserved. Hopefully, we will earn the right to deserve a more positive response from the constituents when we take this action and follow it up with more concrete action to make sure that we do maintain the trust.

So again, I ask Congress let's take this as a first step. I appreciate the support from my colleague from his great State to be able to say let's work together, let's make the move, but let's stop being in denial that there isn't more that Congress ought to do to maintain the integrity of our budget process.

Mr. DAVIS of Illinois. Mr. Speaker, at this time I yield such time as he may consume to one of the persons who worked extremely hard to bring this legislation to the floor and to craft a very excellent piece of legislation, Representative MURPHY.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Illinois for the time.

Mr. Speaker, I do want to thank my colleague from the other side of the aisle, Republican Representative BRIAN BILBRAY from California, for partnering with me on this bipartisan bill for commitment to fiscal responsibility. I also want to thank the other Chamber over in the Senate, specifically Senator TOM CARPER, for his tireless efforts in advancing this legislation over in the other body, and his Republican colleague on this bill, Senator JOHN MCCAIN.

□ 1050

Mr. Speaker, this legislation is proof that good things can happen when Democrats and Republicans are willing to work together and put their differences aside for commonsense measures to get things done for the American taxpayer.

Now, I am so proud that after 2 years of hard work on this piece of legislation, Mr. BILBRAY and I, after we vote on this today in this House because it just passed in the Senate, will be sending this bill to the President of the United States for signature and it will become law. In this time of tightened belts and strained budgets, it is more important than ever to get our fiscal house in order and to eliminate waste from our system and make sure that we earn the trust of the American taxpayer.

Mr. Speaker, my bill, the Improper Payments Elimination and Recovery Act, is a bipartisan, commonsense solution to cut waste from the Federal budget and streamline the payment systems of Federal agencies.

Mr. Speaker, I know the American people would be horrified to learn that every day the Federal Government either overpays or pays twice the amount for products and services than they need to. In fiscal year 2009 alone, Federal agencies made nearly $98 billion in improper payments. These improper payments occur as a result of fraud or from poor financial management systems that do not detect or prevent mistakes before Federal dollars are already out the door.

This bill, our bill, will help identify, reduce, and eliminate these improper payments. It will cut fraud and abuse by requiring agencies to develop action plans to avoid improper payments.

Mr. Speaker, I think now is the time that we must demand higher levels of fiscal management and accountability from each Federal agency. There needs to be repercussions of money misspent and wasted. That is why this legislation contains strong measures to hold those in power accountable for failing the American taxpayer. And perhaps most importantly, this legislation would force the Federal Government to reclaim more money that was improperly sent out.

My bill ensures that the Federal Government holds itself to the same standard of fiscal responsibility as any hardworking household or any business would across America and in my home district in Bucks County, Pennsylvania. It will save the American taxpayers billions of dollars that would otherwise be lost.

You know, Mr. Speaker, we already know that this legislation will work by setting stricter targets for reducing and recovering improper payments. The Office of Management and Budget was able to reduce errors in the food stamp program by a little more than half of a percentage point. But those stamps and a fraction of a percent saved the American taxpayer $330 million just last year. That's one little program and one little agency, a half of a percentage point. That's $330 million. That's $330 million that can go to pay off our national debt, to provide tax relief to middle class families, or make critical investments in our future. With this bill, we can replicate that success in every single Federal agency and every program within the Federal Government.

Mr. Speaker, quite frankly, after 2 hard years to get this to this point today, we all know that this legislation is long overdue. The American people are demanding that this kind of action from our government today will happen, and it's about time.

So I want to thank Mr. BILBRAY. I want to thank Chairman TOWNS and Ranking Member DARRELL ISSA. I urge my colleagues to vote ''yes,'' and finally, after years of hard work, that we pass this legislation on behalf of the American taxpayer.

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

Mr. DAVIS of Illinois. Mr. Speaker, my father always taught us that a penny saved was a penny earned. And, of course, if it's good enough for our families, it certainly is good enough for our national government.

I compliment the gentleman on the development of an excellent piece of legislation. I urge its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, S. 1508.

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. DAVIS of Illinois. 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.

## DAVID JOHN DONAFEE POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5390) to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5390

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DAVID JOHN DONAFEE POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, shall be known and designated as the ''David John Donafee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''David John Donafee Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. 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 gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to

the author of this legislation, the gentleman from Cleveland, Ohio, Representative KUCINICH.

Mr. KUCINICH. I thank my colleague and all Members for their support of this bill: Mr. DAVIS, Mr. CHAFFETZ, and my colleague Ms. SUTTON.

Mr. Speaker, I am proud to offer today H.R. 5390, which renames the post office located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building.'' I would like to thank Chairman LYNCH for his efforts to bring H.R. 5390 to the floor of the House.

David John Donafee was a lifelong northeast Ohioan who committed his life to family and community. He was born and raised in Brook Park, Ohio, and graduated from Polaris High School in Berea.

He served northeast Ohio as a postal carrier for 14 years. His coworkers knew David for his geniality and positive spirit, his sense of humor and willingness to go out of his way for anyone. One coworker remarked, ''He was the guy that made the place a little better.''

David was well known in the local hockey community for his support of and involvement in his son's youth hockey league. He announced and scored the games. He was the ''heart of all of the teams,'' according to his wife, Sandi.

Mr. Speaker, on February 14, 2008, Valentine's Day, David Donafee was walking his mail route in Parma Heights, Ohio. He was delivering the mail to people on his route just like he did every other day, but this day was different. He was struck by a car while in the line of his duties as a postal worker, as a mail carrier, and he was killed. His tragic death resounded in the community and resounded with his coworkers.

He left behind his wife, Sandi, and their two sons, Derek and Liam. And my thoughts and the thoughts of the people in the community continue to be with the Donafee family as they adjust to life without their beloved David.

In honoring David John Donafee by naming a post office building after him, we actually honor all of those who deliver the mail, showing that when something like an unexpected tragedy happens, that this Congress does appreciate the work of those who make it possible for the commerce of the country to move by virtue of the mail.

□ 1100

So I ask my colleagues to join me in celebrating the life of David John Donafee and honoring his legacy. I urge passage of H.R. 5390.

[From cleveland.com, Sept. 4, 2008]

SOUTHWEST BREWFEST TO BENEFIT FAMILY OF DECEASED LETTER CARRIER DAVID DONAFEE

(By Damon Sims)

Neither snow nor rain nor gloom of night kept David Donafee from his appointed rounds.

Nor could a little foul weather keep the 42-year-old letter carrier from scoring his son's Padua High School hockey games, or from the Friday night beer-and-bull session with his buddies at the Brew Kettle Taproom & Smokehouse in Strongsville.

''It was like 'Cheers,' '' said Donafee's wife, Sandi. ''My husband was kind of the life of the party, but in a quiet, gentle way.''

That all changed on a gloomy Valentine's Day this year. Donafee, a postman for 14 years, was making his rounds about noon when he was struck by a car and killed while crossing York Road near Valley Forge High School in Parma Heights. The driver, a 19-year-old Cleveland man, was questioned. No charges have been filed, and the accident remains under investigation.

Donafee, of Brunswick, is survived by his wife, Sandi, and sons, Derek, 15, and Liam, 11. His death also left a void in the youth-hockey community, with his postal-worker colleagues and with his friends at the Brew Kettle, who remember him as a fun and convivial companion.

''He was one of the happiest, most positive people I've ever met,'' said the Brew Kettle's owner, Chris McKim. ''When the world loses a grouch, it's sad. When it loses a guy like Dave, a guy who was always upbeat and always on his A-game, it's a tragedy.''

The different forces that helped define Donafee's life—good friends, good music, good beer—are coming together Saturday for an event designed to honor his memory and help his family. McKim has organized the first Southwest Brewfest, a charity craft-beer festival at the Chalet near the Cleveland Metroparks' toboggan chutes in the Mill Stream Run Reservation in Strongsville.

The festival will feature beer from brewers in Cleveland's southern and western suburbs: Brew Kettle, Rocky River Brewing Co., Cornerstone Brewing Co. and Buckeye Brewing.

Musicians David Fayne, Woody Leffel and the Armstrong Bearcat Band will provide the soundtrack to the event, which takes place from 1 to 7 p.m. The $30 ticket will include a commemorative glass along with 10 four-ounce beer samples.

Proceeds will help the Donafee family with Derek's $8,300 annual tuition at Padua, a Catholic preparatory school in Parma Heights.

The annual event will also help send Liam, now a sixth-grader, to Padua. Leftover money will go directly to Padua to benefit other students.

That would have meant a lot to Donafee, who said Derek's experience at Padua turned around his son's academic career, according to McKim, himself a Padua graduate.

Donafee's death didn't escape the notice of the powers-that-be. Earlier this year, U.S. Rep. Dennis Kucinich paid tribute to the mail carrier on the floor of the House. Sandi Donafee has the congressman's words inscribed on a plaque in her living room.

''May his life be an example of how we should lead our own,'' Kucinich told colleagues.

And what would the genial mailman have thought of all the attention?

''It would have made Dave smile,'' McKim said with a chuckle.

[From cleveland.com, Feb. 14, 2009]

WIDOW SANDI DONAFEE OF BRUNSWICK MOURNS HUSBAND, DAVID, WHO WAS KILLED ON VALENTINE'S DAY

(By Stan Donaldson, Plain Dealer Reporter)

PARMA HEIGHTS.—Sandi Donafee left a handmade valentine Tuesday on York Road for her husband—a cracked heart.

As cars drove by the poster-size card, a tear rolled down the cheek of the 43-year-old Brunswick woman's face.

This is where her husband, David, a U.S. postal worker, was killed last Valentine's Day after he was hit by a car as he crossed the street while delivering mail.

Since the accident, Donafee, a hairstylist, has had to raise her two teenage sons without their dad. His postal brethren, family and friends have worked to help them through the grieving process.

''I feel like this has been one big nightmare that I haven't been able to wake up from,'' said Donafee, as she looked at a two-sided valentine she placed on a telephone pole. It reads ''Recklessness took my love.''

The valentine includes a photo of the couple smiling.

Police said David Donafee, a 42-year-old father of two, was hit by Jeff Kluter, 19, as he crossed York near Independence Street. Donafee was not in a crosswalk.

Kluter was arraigned on misdemeanor aggravated vehicular homicide charges in November. Kluter has a pretrial hearing scheduled for Monday.

If convicted, he faces up to six months in jail and a fine of up to $1,000.

Messages left for Kluter were not returned this week. Donafee's family and friends are upset because they feel the Cleveland man should face more time in jail. Sandi Donafee also wants Parma Heights City Council to reduce the 35 mph speed limit to 25 mph because it's near Valley Forge High School and Cuyahoga Community College.

Eric Donafee, 51, said the family will forever be heartbroken.

He said his kid brother left the steel industry in his mid-20s to become a postal worker because he thought of it as a safer career.

[From cleveland.com, Feb. 15, 2009]

A CRACKED HEART MARKS BRUNSWICK WOMAN'S VALENTINE PAIN

(By John Kroll, The Plain Dealer)

PARMA HEIGHTS.—Sandi Donafee left a hand-made Valentine Tuesday on York Road for her husband—a cracked heart.

As cars drove by the poster-size card, a tear rolled down the cheek of the 43-year-old Brunswick woman's face.

This is where her husband David Donafee, a U.S. postal worker, was killed last Valentine's Day after he was hit by a car as he crossed the street while delivering mail.

Since the accident, Donafee, a hair stylist, has had to raise her two teen-age sons without their dad. His postal brethren, family and friends have worked to help them through the grieving process.

''I feel like this has been one big nightmare that I haven't been able to wake up from,'' said Donafee, as she looked at a two-sided Valentine she placed on a telephone pole that says ''Recklessness took my love.''

The Valentine includes a photo of the couple smiling.

Police said that Donafee, a 42-year-old father of two, was hit by Jeff Kluter, 19, as he crossed York near Independence Street. Donafee was not in a crosswalk.

Kluter was arraigned on misdemeanor aggravated vehicular homicide charges in November. Kluter has a pre-trial hearing scheduled for Monday.

If convicted, he faces up to six months in jail and fine of up to $1,000.

Messages left for Kluter were not returned this week. Donafee's family and friends are upset because they feel the Cleveland man should face more time in jail. Sandi Donafee also wants Parma Heights City Council to reduce the 35 mph speed limit to 25 mph because it's near Valley Forge and Cuyahoga Community College.

Eric Donafee, 51, said the family will forever be heartbroken. He said his kid brother left the steel industry in his mid 20s to become a postal worker because he thought of it as a safer career.

''It happened because [the driver] was negligent,'' his brother said. ''He broke a lot of hearts and it isn't right.''

His sister-in-law also wants justice.

''I have tried in my heart to forgive him but I am not there yet,'' Donafee said. ''I look at what my boys and I lost . . . it is too hard.''

At the accident site, Donafee was surrounded by some of her husband's former coworkers from the Middleburg Heights post office branch where he had worked for 14 years. They stood at the makeshift memorial and shared stories.

In September, friends held a benefit in Strongsville that raised money for his sons—ages 16 and 11—to attend Padua, a Catholic prep school in Parma. Members from the post office will lay a wreath at his grave today—the family isn't emotionally ready to go back just yet.

''This shouldn't be a part of the job,'' said Paul Hunt, who worked with Donafee for more than 10 years. ''You shouldn't have to worry about getting hit by a car.''

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

I rise today in support of H.R. 5390 to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the David John Donafee Post Office Building.

I appreciate the good work that my colleague Mr. KUCINICH has done on this and his heartfelt and sincere approach to recognizing this great gentleman and the tragic situation but also the great life that he led.

Mr. Speaker, it is altogether fitting and proper that we honor Mr. Donafee by naming this post office in Cleveland for him. It was out of this post office that he was based.

On February 14, Valentine's Day, 2008, David Donafee was delivering the mail on foot along his usual route in Parma Heights, Ohio, only minutes from the post office on Smith Road. As he was crossing York Road near Independence Boulevard, Mr. Donafee was struck and killed by a vehicle driving recklessly down the street.

Tragically, the 42-year-old husband and father of two was run over only blocks from the post office to be named in his memory. Mr. Donafee was killed on a route that is notorious among local mail carriers for dangerous drivers. I hope that the tragic circumstances of Mr. Donafee's death will serve as a call for safer driving on all roads across our country.

Prior to his career of delivering mail, Mr. Donafee had worked in a Cleveland area steel mill which he had told family members he felt was too dangerous of a place to work. His older brothers recall that David took the job in the post office so that he could have a safer place to work. Sadly, the 14-year veteran of the postal service couldn't escape the danger he had tried to get way from.

Mr. Donafee is remembered by his wife as a great father and by coworkers as a generous man who ''would do anything for you.'' He had a wonderful sense of humor, and according to fellow mail carriers, he was the guy that made the place a little better.

An active member of his community, Mr. Donafee was very involved with his town of Brunswick's youth hockey league.

Mr. Donafee was born on April 29, 1965, in Parma, Ohio. He leaves behind his wife, Sandi, of almost 18 years, and his two teenage sons, Derek and Liam. Our heart goes out to this family.

Mr. Speaker, it is proper that we pass this resolution to honor the memory of David John Donafee. I call on all Members of this House to support this measure and hope they know that members of the postal community, the greater postal community, those who work and serve every day in their lives, if by this small gesture we can remember them and give some degree of comfort to that family and that we always remember them.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio, Representative BETTY SUTTON.

Ms. SUTTON. I thank the gentleman for the time, and I thank my colleague, Congressman KUCINICH, for his efforts and leadership on this legislation.

David John Donafee was a 42-year-old letter carrier for the U.S. Postal Service who lived in the congressional district that I am so honored to serve. He lived in Medina County, Ohio, in the city of Brunswick; and, sadly, David was crossing the street while walking his route when he was fatally hit by a car on February 14, 2008.

David was a devoted husband, a father, a son, a brother, a brother-in-law and uncle; and he was very involved in the community in children's hockey.

For 14 years, David delivered the mail; and to paraphrase the U.S. Postal Service's motto, he went about his life with duty, honor, and pride. Neither snow, nor rain, nor heat, nor gloom of night, nor the winds of change, nor a Nation challenged stayed David from the swift completion of his appointed rounds. But tragically, a reckless driver did.

Our hearts remain with Sandi, his wife, his children, and the entire Donafee family. David's death was a tragedy that should not have happened. While we are honoring his life by naming the post office after him, as it should be, we also have a duty to remind drivers to yield to pedestrians crossing the street. We know that this small gesture will not close the hole in the Donafee family's hearts, but we want them to know that we care and we appreciate all that he did for our community. He connected us, one with another.

With this post office naming, we will remind people of David's noble service, and we will remind each other of our obligation to look out one for another.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I rise in support of H.R. 5390, a bill designating the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the David John Donafee Post Office Building.

H.R. 5390 was introduced by my colleague, the gentleman from Ohio, Representative DENNIS KUCINICH, on May 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on June 7, 2010. The measure has the bipartisan support of 17 Members of the Ohio delegation.

Mr. David John Donafee was a letter carrier for the United States Postal Service for 14 years. An active member of his community, Mr. Donafee volunteered with the youth hockey league in his town of Parma, Ohio. Tragically, he passed way on February 14, 2008, at the age of 42, after being struck by the driver of a car while delivering mail on his regular route. He is survived by his wife, Sandi, and two sons, Derek and Liam.

Mr. Speaker, Mr. Donafee's untimely death during the course of his duties as a letter carrier is deeply saddening. Let us now pay tribute to this man's life through the passage of H.R. 5390. I urge my colleagues to join me in supporting it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5390.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## 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. 5502. An act to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

## CLARENCE D. LUMPKIN POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4840) to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, line 3, strike ''1979'' and insert ''1981''.

Amend the title so as to read: ''An Act to designate the facility of the United States

Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the 'Clarence D. Lumpkin Post Office'.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. 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 gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I rise in support of H.R. 4840, a bill designating the United States postal facility located at 1981 Cleveland Avenue in Columbus, Ohio, as the Clarence D. Lumpkin Post Office.

H.R. 4840 was introduced by my colleague, the gentleman from Ohio, Representative PATRICK TIBERI, on March 12, 2010. It was referred to the Committee on Oversight and Government Reform, which reported it by unanimous consent on March 18, 2010.

□ 1110

The measure passed the Senate with an amendment correcting the address by unanimous consent on May 25, 2010. It has bipartisan support from 17 members of the Ohio delegation.

Mr. Clarence Lumpkin was born in 1925 and spent years as a community activist in Columbus, Ohio. He is also affectionately referred to as the ''Mayor of Linden,'' a neighborhood in the northeastern part of the city.

Among his many accomplishments, Mr. Lumpkin has helped the Community Development Block Grant Task Force, persuaded the city to separate storm and sanitation sewers to stop basement flooding, led antidrug marches throughout Columbus, made Linden the first inner-city community with lights on every residential street, and improved the Linden area by including the Point of Pride concept that was first shared by city leaders in a speech given in 1974.

Before moving to Linden, Mr. Lumpkin served in the United States Army and is a veteran of World War II.

Mr. Speaker, Clarence Lumpkin has spent his life serving his community and his country doing everything he could to improve the lives of his fellow citizens. I urge my colleagues to join me in honoring this great American by supporting this resolution.

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

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

Mr. Speaker, I rise today in support of H.R. 4840, designating the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the Clarence D. Lumpkin Post Office.

Mr. Speaker, H.R. 4840 was passed by this body on March 21, 2010, by a vote of 420–0. The bill was originally passed with an incorrect street number in the address. With the address now accurate and the correction being made, I fully support the passage of H.R. 4840. I urge all Members to join me in supporting this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4840.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## TOM BRADLEY POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5450) to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5450

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TOM BRADLEY POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, shall be known and designated as the ''Tom Bradley Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Tom Bradley Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. 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 gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Los Angeles, California (Ms. WATSON), the author of this legislation.

Ms. WATSON. Mr. Speaker, I rise today in support of H.R. 5450. I would also like to thank the members of the California delegation for supporting this bill.

H.R. 5450 would designate a Post Office in my district located at 3894 Crenshaw Boulevard in Los Angeles, California, as the Tom Bradley Post Office Building.

Tom Bradley served as the mayor of Los Angeles for an unprecedented 20 years, as a city councilman for 10 years, and as a Los Angeles police officer for 21 years. Tom Bradley, the son of sharecroppers and the grandson of a former slave, was born on December 29, 1917, to Lee and Crenner Bradley in Calvert, Texas. In 1924, the Bradleys moved to Los Angeles near Temple and Alvarado Streets.

A young Tom Bradley attended Polytechnic High School, where he starred in track and was an all-city football player. Upon graduating from high school in 1937, Bradley attended the University of California at Los Angeles on a track scholarship. During his junior year at UCLA, Bradley dropped out to attend the Los Angeles Police Academy.

After becoming a police officer in 1940 and serving many years in the department, Tom Bradley would rise to the rank of lieutenant, which was the highest rank for an African American at that time.

While working for the Los Angeles Police Department, Bradley studied at night at Southwestern University School of Law and received his law degree in 1956. He later passed the State bar, and in 1961 he would leave the LAPD to practice law.

In 1963, Tom Bradley, along with Billy Mills, would become the first African Americans elected to the Los Angeles City Council. Bradley would serve on the City Council until the year 1972. During his tenure on the City Council, he would speak out against racial segregation within the LAPD, as well as the department's handling of the Watts riots in 1965.

In 1969, Tom Bradley first challenged incumbent mayor Sam Yorty. Armed with key endorsements, Bradley held a substantial lead over Yorty in the primary, but was a few percentage points shy of winning the race outright. However, in the runoff, Yorty pulled an amazing come-from-behind victory to win reelection, primarily because he played racial politics.

In 1973, Tom Bradley would unseat Sam Yorty to become Los Angeles' first African American mayor and the second African American to be mayor of a major United States city.

During Tom Bradley's tenure as mayor, Los Angeles overtook San Francisco as the financial capital of the State and much of the West. The

City of Los Angeles sprouted a skyline of new and impressive office buildings, and with a booming international airport and Port of Los Angeles, the city became a transportation hub and gateway to the Pacific rim.

In 1982, as the Democratic Party nominee, Tom Bradley lost the race for California governor to George Deukmejian by less than 1 percentage point of the vote. The racial dynamics that appeared to underlie his narrow and unexpected loss in 1982 gave rise to the political term ''the Tom Bradley effect.''

In 1984, amid a chorus of people predicting disaster, Tom Bradley championed Los Angeles as the host of the Summer Olympics. The games were a huge success, bringing the city not only great publicity, but a $250 million surplus, and I am happy to announce that that surplus has grown and it still remains around $300 million.

Tom Bradley's most difficult moments as mayor came in the last years of his tenure. During the 1992 Los Angeles riots, more than 50 people were killed in the civil unrest following the acquittal of the police officers involved in the Rodney King beating.

During a speech in September of 1992 when Bradley announced he would not seek a sixth term as mayor, he stated, ''The April unrest tore at my heart, and I will not be at peace until we have healed our wounds and rebuilt our neighborhoods. Let us all, every one of us, pledge to make Los Angeles a beacon of mutual respect, justice and tolerance from this day forward.''

□ 1120

The words of tolerance, justice, and respect were how Tom Bradley lived his life, governed the city of Los Angeles, and created coalitions with people from every race, religion, and ethnic background.

At the age of 80, Tom Bradley died on September 29, 1998. He was survived by his late wife, Ethel Bradley, and their two daughters, Lorraine and Phyllis. The city of Los Angeles will never have a mayor that served as long as Tom Bradley and had the type of impact and influence he commanded. For this Congress to give Tom Bradley this honor would be fitting, due to his life's work as a public servant working to bring justice and prosperity to all citizens of Los Angeles.

And I proudly, Mr. Speaker, would like all of you to know Tom Bradley followed my father, who was a police officer in Los Angeles, and he was proud to say that he helped to train him.

Mr. Speaker, I urge my colleagues to support H.R. 5450.

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

Mr. Speaker, I rise today in support of H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building.'' Mr. Speaker, it is altogether fitting and proper that we name this for the late Mayor Tom Bradley, a man who tirelessly and selflessly served the citizens of Los Angeles, and who truly embodies the quintessential American success story.

Born in Calvert, Texas, on December 29, 1917, Mayor Bradley was the son of sharecroppers and the grandson of a slave. In 1924, he moved to Los Angeles, where he was raised by his single mother and excelled in school and athletics. Upon graduation from high school, Mayor Bradley attended the University of California at Los Angeles, or UCLA, where he ran track and field, as well as achieving multiple records, and eventually became the team captain. When he graduated from UCLA in 1940, Mayor Bradley joined the Los Angeles Police Department and eventually was promoted to the rank of lieutenant. He was the first African American in the department's history to attain that rank. While working for the LAPD, Mr. Bradley attended Southwestern Law School at night and graduated in 1956. He passed the State Bar of California on the first try, and in 1961 resigned from the LAPD so he could practice law full time.

Mr. Speaker, like so many of us, Tom Bradley entered politics because he cared about the community in which he resided. In 1949, he volunteered for an Los Angeles City Council campaign and during his time at the LAPD he became active in the Democratic Minority Conference and the California Democratic Council. In 1963, he threw his hat into the political ring and was elected to the Los Angeles City Council, representing the city's 10th District. That year marked the first time in the city's history that an African American was elected to the city council, Bradley being one of those three.

After winning reelection in 1967, the always ambitious Bradley ran for mayor of Los Angeles in 1969. After winning the primary, Bradley lost in a runoff in his bid for mayor to Sam Yorty. Not discouraged by the outcome of his first try for mayor, Bradley ran again in 1973, this time beating Sam Yorty. Bradley became the first African American elected as mayor of Los Angeles. Mayor Bradley was able to win by building a multiethnic coalition that transcended race and united residents from all walks of life.

Tom Bradley would go on to serve five consecutive terms. During his 20 years in office, Mayor Bradley did much for the citizens of Los Angeles. Under his stewardship, Los Angeles became the financial capital of California and gained international prominence as the gateway to the Pacific Rim. Not only did Bradley promote and expand international trade and travel through Los Angeles, he improved social services and the lives of those struggling most in the inner city. Mayor Bradley doubled the number of minorities and women working in City Hall. And though he endured much opposition, he successfully brought civilian control over the Los Angeles Police Department.

Aside from the economic development and skyline of new and impressive buildings in downtown Los Angeles, many would argue that Mayor Bradley's greatest accomplishment surrounded the 1984 Summer Olympics hosted in Los Angeles. Amid much skepticism, Mayor Bradley was able to not only bring the games to Los Angeles, but he helped make them a huge success. Los Angeles received fame and publicity. And when the games left town, Los Angeles had a $250 million surplus that evidently continues to grow. After serving five terms as mayor, Tom Bradley resigned in 1993. He was the city's longest-serving mayor.

Tragically, in 1996, Mayor Bradley suffered a debilitating stroke that left him partially paralyzed and not able to speak. Then, on September 29, 1998, Mayor Bradley passed away after suffering a heart attack. He was 80 years old. Surviving him was his wife of 57 years, Ethel Arnold Bradley, as well as his two daughters, Lorraine and Phyllis.

Mr. Speaker, in closing, I leave this body with a quote from Mayor Bradley upon his resignation as mayor, where he said, ''Let us all, every one of us, pledge to make Los Angeles a beacon of mutual respect, justice, and tolerance from this day forward.'' I firmly believe this is a pledge that not only Angelenos should take, but that all Americans should consider.

Mr. Speaker, it is proper that we pass this legislation in honor of the memory of Mayor Tom Bradley, a true American hero and success story. I urge all Members to support this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present H.R. 5450 for consideration. This measure would designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles California as the ''Tom Bradley Post Office Building.''

H.R. 5450 was introduced by my colleague, the gentlewoman from California, Representative DIANE WATSON, on May 27, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on June 17, 2010. The measure enjoys the bipartisan support of 52 members of the California delegation.

Mr. Speaker, Tom Bradley was born on December 29, 1917, in Calvert, Texas. The son of a sharecropper and the grandson of former slaves, Mr. Bradley achieved many firsts over the course of his career in Los Angeles, where he moved with his family as a child. He

was the first African American lieutenant in the Los Angeles Police Department, where he served for 22 years. He took night classes at the Southwestern University School of Law during this time and received a law degree in 1956. In 1963, he was elected to the Los Angeles City Council and was its first African American member. He was also the city's first African American mayor as well as the longest-serving mayor in the city's history, serving from 1974 to 1994.

Mr. Bradley was a physically imposing figure, standing well over 6 feet tall, but his manner was soft, low-key, and calming. He helped lead Los Angeles through difficult times, including the first energy crisis of 1973 to 1974, and helped to boost economic development and investment in the city. Following the riots associated with the Rodney King incident in 1992, Mr. Bradley, along with then-Governor Pete Wilson, formed the Rebuild Los Angeles Task Force, an extensive effort to revitalize the city. Mr. Bradley also formed the Christopher Commission in July of 1991, charging it with conducting ''a full and fair examination of the structure and operation of the Los Angeles Police Department, including its recruitment and training practices, internal disciplinary system, and citizen complaint system.''

□ 1130

And so, Mr. Speaker, Mr. Bradley's leadership, vision for his community, and skill as a conscientious administrator are inspirations to us all. Let us now pay tribute to this great American through the passage of H.R. 5450. I urge my colleagues to join me in supporting it.

Again, I commend Representative DIANE WATSON for introducing this legislation. It deserves all of our votes, and I would urge its passage.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5450, which honors long-time Los Angeles Mayor Tom Bradley by designating the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, the ''Tom Bradley Post Office Building.'' H.R. 5450 is an important measure that commends a man who has left a lasting and positive impact on the Los Angeles community and our nation.

I would like to thank Chairman TOWNS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman WATSON, for taking the time to honor Tom Bradley and his historic contributions to our ration's social and economic progress.

Mr. Speaker, Mayor Tom Bradley did much to improve the city of Los Angeles during his record five terms as mayor. In his 20 years in office, Los Angeles successfully hosted the 1984 Olympics and passed Chicago to become the second most populous city in the country. These changing dynamics brought social challenges that demanded incredible leadership from Mayor Bradley. After the 1992 Rodney King riots he worked tirelessly to rebuild Los Angeles and continue the process of racial reconciliation. Mayor Bradley famously stated, ''The April unrest tore at my heart, and I will not be at peace until we have healed our wounds and rebuilt our neighborhoods. Let us all, every one of us, pledge to make Los Angeles a beacon of mutual respect, justice and tolerance from this day forward.''

Prior to his record five terms as mayor of Los Angeles, Tom Bradley served on the Los Angeles City Council from 1963 to 1972. In 1963, he and Mr. Billy G. Mills became the first African Americans elected to the City Council. The district that he represented was based around the ethnically diverse Crenshaw neighborhood. During his tenure, he spoke out against racial segregation within the LAPD, as well as the department's mishandling of the Watts Riots in 1965.

Growing up in the Los Angeles area, Mayor Tom Bradley had a positive impact on my life. His service to our community, commitment to social and economic progress, and hard work to bring about racial reconciliation was an example that inspired me to get involved in public service. I am grateful for the progress that he led in the Los Angeles community.

Mr. Speaker, it is entirely fitting that we honor and express our national gratitude for Mayor Tom Bradley's record service, during which time he worked on behalf of millions of Americans and helped fight poverty, inequality, and social injustice. The U.S. Postal Service building at 3894 Crenshaw Boulevard will honor a great humanitarian, politician, and all around remarkable individual. Naming a post office in his honor is the least we can do to recognize Mayor Tom Bradley's great contributions to the Los Angeles community and our nation.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5450.

Mr. DAVIS of Illinois. 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 Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5450.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## VETERANS', SENIORS', AND CHILDREN'S HEALTH TECHNICAL CORRECTIONS ACT OF 2010

Mr. STARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5712

*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 ''Veterans', Seniors', and Children's Health Technical Corrections Act of 2010''.

**SEC. 2. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.**

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.''.

**SEC. 3. REPEAL OF DELAY OF RUG–IV.**

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

**SEC. 4. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.**

Effective as if included in the enactment of section 5503(a) of Public Law 111–148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

''(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.''.

**SEC. 5. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.**

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

**SEC. 6. MEDICAID AND CHIP TECHNICAL CORRECTIONS.**

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 6502 of Public Law 111–148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Effective as if included in the enactment of Public Law 111–148, section 2001(a)(5)(B) of such Act is amended by striking all that follows ''is amended'' and inserting the following: ''by inserting after '100 percent' the following: '(or, beginning January 1, 2014, 133 percent)'.''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-

specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if''; and

(B) in subsection (ii)(2), by striking ''(XV)'' and inserting ''(XVI)''.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

**SEC. 7. FUNDING FOR CLAIMS REPROCESSING.**

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions relating to such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $95,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

**SEC. 8. EXTENSION OF SECTION 508 RECLASSIFICATIONS.**

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of Public Law 111–148, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

**SEC. 9. REVISION TO THE MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following subparagraphs:

''(A) fiscal year 2015, $0;

''(B) fiscal year 2016, $125,000,000; and''.

**SEC. 10. PAYGO COMPLIANCE.**

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

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

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

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

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

Mr. Speaker, the majority is again bringing to the floor more fixes to the fatally flawed health care overhaul. The health care law was riddled with errors; some were oversights, the likes of which we are here today to address. However, the majority has failed to rectify the fundamentally flawed policies that threaten our economic stability and America's health care, all the while driving Federal and State budgets down a further unsustainable path.

Mr. Speaker, where is the fix for the up to 117 million Americans with health insurance from their employers that, by the administration's own estimates, will not be able to keep the plan they have and like? That promise was repeatedly made by President Obama and the Democratic majority to assure to the American people that health care overhaul would not force them into a one-size-fits-all government-approved insurance plan. Unfortunately, this has repeatedly proven to be false.

Where is the fix for the millions of small businesses that will be forced to file 1099 tax forms for each business from which they purchase more than $600 worth of goods and services during this year? The National Federation of Independent Business, NFIB, describes these new requirements as crippling, and they will further divert investment away from jobs, which should be our number one concern.

Mr. Speaker, where is the fix for seniors whose Medicare coverage is threatened by the health care overhaul? Medicare's own actuaries found that the $500 billion in Medicare cuts could jeopardize access to care for seniors. Furthermore, the actuaries predict millions of seniors will lose their Medicare plan because massive cuts to the program will result in ''about 50 percent'' of seniors no longer being in a plan.

Unfortunately, the merits of today's legislation pale in comparison to the merits of addressing the needs of the millions of Americans losing the plan they have and like, the small businesses facing burdensome new costs and regulations, and seniors relying on Medicare. When will these pressing needs be addressed?

Mr. Speaker, while I support the bill before us, it is not enough. We must move beyond mere technical corrections and fix the fundamental flaws of the Democrats' health care law by repealing it and replacing it with solutions that work.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY).

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska will control the time.

There was no objection.

Mr. TERRY. I reserve the balance of my time at this point.

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

I rise today in support of H.R. 5712. It's a small but important bill. It's fully paid for and contains time-sensitive, mostly technical changes that strengthen the programs that care for the health of our Nation's veterans, senior citizens, and children. I appreciate the support of my distinguished ranking member for this bill.

This bill is supported by the National Association of Children's Hospitals, the American Hospital Association, Federation of American Hospitals, and most of the health care groups. And we can proceed on issues concerning other matters at another time.

At this point, I yield the balance of my time to the distinguished gentleman from California (Mr. WAXMAN).

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

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

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

Mr. Speaker, I am pleased to announce, as a representative of the Energy and Commerce Committee, that we are not opposed to this bill and we're pleased with this these corrections. It is especially important that our veterans' access to care is not impeded or delayed and that these other corrections will improve the efficiency and effectiveness of some of the programs that our citizens depend on the most.

This bill, as the gentleman from California mentioned, is budget neutral. In fact, there may even be as much as a $50 million savings if everything goes right here, which I think is important. It's a small number with regard to the trillion-dollar deficit that we've already hit by the end of June and the

$1.5 trillion deficit that we may experience for this year.

I would like to see a budget where—I think we're missing an opportunity with items like this where we can save $50 million here, hopefully save $50 million here. If we had a budget, it could be part of a master plan to reduce our deficits and empower the private sector to create jobs.

These are technical corrections that are necessary. But this is what happens when the majority works in secret, crafts legislation that doesn't receive the input from others, the minority side. And, frankly, I wouldn't be surprised that, after drastically altering the health care system so quickly, we'll have many more technical corrections necessary as time goes on.

□ 1140

The technical errors, however, are hardly the biggest problems facing this country's health care system. Far worse are the looming ill effects of the majority's basic policy mistakes. Who doesn't know the problems in that they refuse to exercise the fundamental responsibility of the House to conduct oversight hearings on how this is set up. And the grandfathering clause has already been very confusing. This is what we'll have to look out for as the health care bill proceeds.

Now, just for the record, let's consider some of the problems that we face from this bill. The law will cut $575 billion out of Medicare. Concerning me equally as much is that it's with no direction from Congress, leaving these decisions to Health and Human Services and the Center for Medicare and Medicaid Services.

In Nebraska, in my district, many of my seniors rely on Medicare Advantage as a program, but $145 billion will be taken from Medicare Advantage, reducing the enrollment, according to the nonpartisan estimates, by as much as 50 percent.

It will raise spending nearly 90 percent for States in Medicaid programs, squeezing State taxpayers and crippling State budgets.

Despite the claims that the bill would lower health care costs and deficits, the Chief Actuary of Medicine has since concluded that spending won't go down, it will actually go up, as many people believed.

And remember the promise that if you like your coverage, you can keep it? With the new grandfathering rules that are being rolled out, it is now estimated that, and this is the administration's estimate, that as many as 66 percent of small businesses will not be eligible to keep what they have and will have to accept something from the exchange which will be pre-approved by HHS.

We're also learning the recession might worsen now because employers are hesitant to expand. We're hearing from many employers, articles in the Wall Street Journal, that they're sitting on cash because they don't want to spend now, be hit with these higher costs, and then have to lay off later. So it's arresting investment and hiring of new workers because businesses don't know the costs of implementation of this health care bill.

Now, the Democrats at every level are in hiding mode. They don't want a new public debate on this. We had a recess appointment of Donald Berwick, Dr. Donald Berwick, who is a great intellectual on medical savings, particularly in a British system that says that a rationing-type of system relies on a mathematical formula of age, as well as comparative effectiveness. And the comparative effectiveness provision in this bill provides Dr. Berwick carte blanche to implement those type of British policies.

This is probably—this won't be the last time that we hear about health care, but probably we won't hear about it until after November 2. The American people know why. I can only hope that we choose to conduct oversight of the new health care law and fix its disastrous effects.

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

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I rise to join everybody else who has spoken in favor of this bill and urge passage of H.R. 5712, the Veterans, Seniors and Children's Health Technical Corrections Act. It's a small set of noncontroversial changes to the law needed to provide for the smooth functioning of the Medicare, Medicaid, Child Health Insurance, or CHIP program, as well as the 340B program. The legislation has no cost.

One provision ensures that a special enrollment period into Medicare part B does not exclude some of the veterans for whom the policy was intended.

Another provision clarifies that the redistribution of unused Medicare-funded residency slots not inadvertently take slots away from hospitals that were cooperating with other hospitals to actually use these slots. This is a practice that occurs in 36 States, and they want this clarification.

We also have a clarification that children's hospitals will continue to have access to discounts on orphan drugs through the 340B program tape.

The bill would modify the payment system for nursing facilities in Medicare, ensuring smoother operations of that program.

And virtually all of these provisions have been passed by the House at least once. Many of them have been passed by the Senate as well. This legislation needs to be enacted now because it modifies provisions of law that are coming into effect now, or will come into effect within the next few months.

So the legislation is fully paid for, will not increase the deficit. It involves technical corrections only. It's a bipartisan bill, and I'd urge my colleagues to suspend the rules and pass this legislation.

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 California (Mr. STARK) that the House suspend the rules and pass the bill, H.R. 5712.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RENEWING IMPORT RESTRICTIONS OF BURMESE FREEDOM AND DEMOCRACY ACT

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 83) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 83

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.**

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

**SEC. 2. CUSTOMS USER FEES.**

Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''August 17, 2018'' and inserting ''August 24, 2018''.

**SEC. 3. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

**SEC. 4. PAYGO COMPLIANCE.**

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.

**SEC. 5. EFFECTIVE DATE.**

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2010, whichever occurs earlier.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. 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 gentleman from New York?

There was no objection.

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

I want to thank my friend, Mr. BOUSTANY, for being here this morning and joining in this resolution.

I rise in strong support of House Joint Resolution 83, a measure to renew the ban on imports from the country of Burma. The renewal of this bill is extremely important in the struggle for human rights and democracy in Burma. This measure, and other sanctions on Burma, prevent hundreds of millions of American dollars from getting into the hands of the military regime and funding its illegal activities.

We must never forget that the inspiration for this measure came from a remarkable woman, Nobel Peace Prize recipient Aung San Suu Kyi. She's the world's only imprisoned Nobel Peace Prize recipient. She and her political party, the National League for Democracy, have called on freedom-loving people throughout the world saying, and I quote, ''Please use your liberty to promote ours.''

That's what makes these sanctions categorically different from many other situations. The people of Burma support these sanctions.

I believe it's also important to remember that Burma's military regime, or its junta, is not simply a government that is rough on its own people. It is among the most brutal, maybe even the most brutal, regime in the world today.

□ 1150

The regime operates with complete impunity. The Burmese regime has recruited thousands of child soldiers, by some estimates more than any other country in the world today. The regime has destroyed over 3,500 ethnic minority villages, forcing hundreds of thousands of people to flee their homes in terror. Millions of these refugees live in neighboring countries like Thailand and Bangladesh.

The regime uses rape as a weapon of war against innocent Burmese women. Over 2,000 innocent civilians remain locked behind bars as political prisoners. And it's important to note that many of these abuses are not just human rights abuses; these are crimes against humanity. That is why the United Nations investigator on human rights in Burma called for an international investigation into war crimes and crimes against humanity in Burma. This is something I have been calling for myself for a very, very long time.

It is long overdue that the world acknowledges the regime, the junta, is guilty of many heinous crimes, and we must lead the effort to hold it accountable. As a first step, I hope the United States will go on record in acknowledging that the Burmese regime has continued crimes against humanity. At the same time, I hope the administration fully implements all the provisions of the Block Burmese JADE Act that we passed in 2008, including the tough banking sanctions enumerated into law. That also includes imposing tough financial sanctions on banks and companies propping up Burma's military regime and junta, even if those companies are not based in the United States themselves.

By passing the JADE Act, we gave the administration the authority to impose tough sanctions. Now it's time to make it happen. We don't have any time to wait. The Burmese regime is planning a sham election for this year that, without strong international action, will result in a government that is a wolf in sheep's clothing.

The regime has stacked the deck against the people of Burma so that the exact same military junta will be in power after the election. In fact, it is not really an election at all since the results are preordained. Aung San Suu Kyi is specifically barred from taking part in these elections. It would be a disservice to those struggling for freedom in Burma to recognize the results of this undemocratic and illegitimate election process.

The administration has worked hard I know to reach out to Burma's military regime and has urged them to change their ways. I believe those efforts, while worthwhile and valuable, have been completely and utterly rejected by the junta. In fact, the situation in Burma has grown worse. That's why now is the time to crank up the pressure on Burma's military junta.

I urge my colleagues to pass House Joint Resolution 83.

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

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

Mr. Speaker, I join my colleague and friend on the Ways and Means Committee in strong support of H.J. Res. 83, which would continue the imposition of sanctions against the repressive regime in Burma for another year.

The purpose of imposing sanctions against Burma is to promote democracy, develop a respect for human rights, and improve living conditions for the Burmese people. Unfortunately, the ruling junta is still dedicated to working against, not toward those objectives. For that reason, I am in favor of continuing our practice of extending import sanctions against Burma for another year.

Burma's regime is one of the world's most repressive. And it continues to oppress democratic movements and humanitarian efforts. In reading the State Department's human rights report on Burma, I am appalled at the extent and scale of grave human rights violations. According to the State Department, this repugnant regime, in which military officers wield the ultimate authority at every level of government, routinely continues to abridge the right of citizens to change their government and commits to other severe human rights abuses. Specifically, government security forces allowed custodial deaths to occur, and committed extrajudicial killings, disappearances, rape, and torture. The regime detains civic activists indefinitely and without charge, and engages in harassment, abuse, and detention of human rights and pro-democracy activists.

Opposition leader Aung San Suu Kyi is still being falsely detained by the regime. And as of March 2010, the regime held an estimated 2,100 political prisoners. The army attacks ethnic minority villages. Violence and societal discrimination against women, recruitment of child soldiers, and trafficking in persons have continued. The regime also severely restricts freedom of assembly, expression, association, movement, and religion.

In addition, I am very concerned that the regime has taken steps that seem to guarantee that the elections that will be held in Burma later this year will not, in the words of the State Department, be transparent, inclusive, or credible. And I am still disappointed that there has not been additional multilateral pressure against this regime.

I strongly urge the administration to put more pressure on our trading partners and the United Nations to put the leaders of this regime and its cronies under targeted economic pressure that denies them access to personal wealth and sources of revenue. I call on the United Nations, Burma's Southeast Asian neighbors in ASEAN, and the People's Republic of China to step up engagement considerably.

I am pleased that this Congress amplified our sanctions 2 years ago to eliminate trade in jewelry containing Burmese rubies and jadeite, even if the jewelry was made in and exported from a third country. The expansion was designed to bring about multilateral pressure on the regime through the United Nations and World Trade Organization, similar to successful legislation on conflict diamonds. We are still in the process of assessing the effectiveness of that law.

The General Accountability Office reported to us several months ago on the effectiveness of the expanded sanctions, and we are considering its recommendations for improving the administration of the program and assuring that legitimate trade in these stones is not constrained. I must be clear that I generally view import sanctions with great skepticism. However, if there is a right way to impose sanctions, I think these Burma sanctions are crafted to maximize their ability to effect change.

For example, they require the administration to issue annual reports on

Burma that include whether U.S. national security, economic, and foreign policy interests are being served so we can make an informed decision. Perhaps the most critical aspect of the Burma sanctions program is that they require us to redirect our attention every summer to the question of whether these sanctions should be continued. They are not self-executing. We here in Congress must consider this issue and vote to continue them on an annual basis.

I continue to believe that our greatest hope for effecting real change in Burma is multilateralism. The whole world, particularly China and the ASEAN countries, must put economic pressure on this regime. I support this resolution because it increases our chances to bring about this multilateral effect.

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

Mr. CROWLEY. I thank the gentleman for his comments. And I couldn't agree with him more that we do need to see more of a multilateral impact on Burma, particularly China, India, and the surrounding countries of Bangladesh and Thailand and such. And it's my hope that we will continue to see further isolation of Burma. And I think we continue to stretch out a hand to encourage the regime, but they continue to keep slapping it back. And I think now is not the time for recognition; now is the time for further isolation.

So I appreciate the comments of my colleague and friend from Louisiana (Mr. BOUSTANY), and I know of his support for this.

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

Mr. BOUSTANY. Mr. Speaker, I have no further Members wishing to speak on this issue, and I am prepared to yield back my time. I look forward to working with my colleague on the Ways and Means Committee in this effort to hopefully change this regime's behavior.

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

Mr. CROWLEY. I appreciate my colleague's willingness to work with us in the future, and look forward to that as well on this and many other issues.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 83, as amended.

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

The title was amended so as to read: ''Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1200

## PROVIDING FOR CONSIDERATION OF H.R. 1722, TELEWORK IMPROVEMENTS ACT OF 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1509 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1509

*Resolved,* That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit with or without instructions.

SEC. 2. House Resolution 1496 is laid on the table.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. For the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1509.

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

There was no objection.

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

Madam Speaker, H. Res. 1509 provides for consideration of H.R. 1722, the Telework Improvements Act. The rule provides 1 hour of debate controlled by the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except those arising under clauses 9 and 10 of rule XXI. The rule makes in order the substitute reported by the Committee on Oversight and Government Reform as modified by an amendment printed in the Rules Committee report. The rule also provides one motion to recommit the bill with or without instructions.

Madam Speaker, I rise today in strong support of this rule and in strong support of the underlying bill. Even in this July heat, it is hard to forget the historic snowfall that blanketed the Washington region this past winter. OMB estimated that for each day the Federal Government was shut down during the storms, the government lost $71 million worth of productivity. Had some agencies not allowed their employees to telecommute, the cost of lost productivity would have been $100 million.

With today's mobile technology, we can do better to ensure that Federal employees can effectively telecommute regardless of weather conditions. The Telework Improvements Act will provide a framework to expand the current telecommuting program so that all Federal employees can enjoy the benefits. Telecommuting also helps to reduce traffic congestion. I don't think you will find too many Federal employees complaining about missing out on rush-hour traffic in metro D.C.

Now, some may argue that telecommuting will just allow lazy employees to sit at home and pretend to work. That's simply not the case. This bill requires agencies to establish a telecommuting policy that authorizes employees to telecommute to the maximum amount possible only to the extent that it doesn't diminish employee performance or agency operations.

The U.S. Patent and Trademark Office, the Defense Information Systems Agency, and the General Services Administration have already established efficient and effective telework policies.

For those concerned about the deficit, the bill is deficit neutral and, therefore, PAYGO compliant. CBO's estimated cost of $30 million over 5 years pales in comparison to the $71 million per day the government lost due to snow last winter.

Madam Speaker, I want to remind all of my colleagues that a bipartisan majority of them supported this bill when it came to the floor under suspension in May of this year. I urge them to once again support this rule and the underlying bill.

I reserve the balance of my time.

Ms. FOXX. I thank my colleague from Massachusetts for yielding time, and I yield myself such time as I may consume.

Madam Speaker, as has become routine in this Congress, it's my sad duty to come before you yet again today to speak in opposition to spending this House's valuable time to consider a bill that would do absolutely nothing to respond to the very real concerns facing Americans every day.

Here we are with a 9.5 percent unemployment rate, the largest deficit in our history, and the national debt at almost $14 trillion. The response of the

liberal Democratic leadership? A bill making it easier for Federal employees to stay at home to work and creating more government union jobs.

Here we are with a financial crisis of global proportions resulting from an unprecedented expansion of government. The response of liberal Democratic leadership? A resolution recognizing National Train Day.

Here we are with a torrent of oil gushing into the gulf day after day, depriving untold numbers of people of their livelihoods. The liberal Democratic response? A resolution supporting the goals and ideals of RV Centennial Celebration Month to recognize and honor a hundred years of the enjoyment of recreational vehicles in the United States.

In fact, this Congress so far has considered no fewer than 73 bills naming post offices, 36 measures recognizing sporting events and achievements, and 145 designations or recognitions for various days, weeks, months, or years.

Despite these very real problems, the liberal Democrats ruling Congress are running around the country trying to convince the American people that everything is just fine and they don't need to worry because the Democrats are solving their problems. While government employees and their union handlers might be satisfied with the liberal Democrat jobs agenda, try asking the small business men forced to close their doors or the 7 million private business employees who've lost their jobs since the liberal Democrats took control of Congress in 2007 and want to get back to work. This is the wrong bill at the wrong time.

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

Mr. MCGOVERN. Madam Speaker, the gentlelady mentioned the deficit and how concerned she is about the deficit. It's somewhat puzzling to me then that she hasn't been out front wanting to pay for the Bush tax cuts that cost hundreds of billions of dollars, that there's been no effort on the other side to want to pay for the George Bush prescription drug bill which cost hundreds of billions of dollars all on to our credit card, that there is no effort on the other side to want to pay for these wars which have now cost $1 trillion—$1 trillion in borrowed money.

I should say, with one exception. The minority leader, Mr. BOEHNER, suggested that we could pay for the wars with the Social Security Trust Fund, that we should raise the retirement age and whatever savings we have should not go into the Social Security Trust Fund, should go to pay for our wars so our senior citizens who have paid into the system year after year after year should be robbed of a solid program and, instead, that money should go to pay for the wars.

When they talk about deficits and debt, it is laughable, because they inherited from Bill Clinton one of the biggest surpluses in history and they squandered it on tax cuts that weren't paid for—mostly for the rich, mostly for their big contributors—and on wars that were not paid for.

And what this President and this Congress is trying to do is clean up their mess. And I'm sorry that that bothers some of my friends on the other side, but we're going to clean up their mess, and we're going to move this economy forward.

With that, I reserve the balance of my time.

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

As I have said before on the floor here to my colleagues who want to rewrite history, they can't blame everything on President Bush. They can't continue to do that. And they want to give President Clinton all the credit.

But, of course, the Congress was controlled by the Republicans for 6 of the 8 years that President Clinton was in office. It's the Congress that controls the spending. Our Democratic colleagues know that. They simply choose to ignore it when it suits their arguments.

□ 1210

Let me quote from the Wall Street Journal article of the 13th of July. It's very recent, so my colleagues may not have seen it.

The Bush Tax Cuts and the Deficit Myth—and I won't read the entire article; but, Madam Speaker, I insert the entire article into the RECORD.

Let me read again a little bit from it: In short, it's all President Bush's fault. But Mr. Obama's assertion fails on three grounds.

First, the wars, tax cuts and the prescription drug program were implemented in the early 2000s, yet by 2007 the deficit stood at only $161 billion.

When our colleagues across the aisle took over the Congress, the deficit stood at $161 billion. I go back to quote: How could these stable policies have suddenly caused trillion-dollar deficits beginning in 2009? Obviously, what happened was collapsing revenues from the recession along with stimulus spending.

Second, the President's $8 trillion figure minimizes the problem. Recent CBO data indicate a 10-year baseline deficit closer to $13 trillion if Washington maintains today's tax-and-spend policies, whereby discretionary spending grows with the economy, war spending winds down, ObamaCare is implemented, and Congress extends all the Bush tax cuts, the alternative minimum tax patch and the Medicare doc fix, i.e., no reimbursement cuts.

Under this realistic baseline, the 10-year cost of extending the Bush tax cuts, $3.2 trillion, the Medicare drug entitlement and Iraq and Afghanistan spending add up to $4.7 trillion. That's approximately one-third of the $13 trillion in baseline deficits, far from the majority the President claims.

Third and most importantly, the White House methodology is arbitrary. With Washington set to tax $33 trillion and spend $46 trillion over the next decade, how does one determine which policies ''caused'' the $13 trillion deficit? Mr. Obama could have just as easily singled out Social Security, $9.2 trillion over 10 years; anti-poverty programs, $7 trillion; other Medicare spending, $5.4 trillion; net interest on the debt, $6.1 trillion; and the article goes on and on with nondefense discretionary spending.

Madam Speaker, I have a chart here which we have put together which I think does a very good job of showing deficit spending as a percent of GDP. That's what really is the way we should look at this; and let me point out that in 1992 under Democrat control the deficit as a percent of GDP is this line; 1993, this line; 1994. Republicans then take over the Congress in 1995, and look how the deficit goes down, significantly goes down. It does go up some in 2002 under a Republican Congress and Republican President but we go into war in 2003, 2004, and then what happens when the Democrats take back over? It shoots back up. The red lines are the projected deficits as percent of GDP.

Madam Speaker, this argument just won't hold. Our friends very selectively come up with numbers, and we're going to point out the facts each time that they try to make up facts.

Mr. DREIER. Madam Speaker, would the gentlewoman yield?

Ms. FOXX. I would be happy to yield to my friend from California.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I'm really struck having seen that chart with a fascinating juxtaposition that I've pointed out a couple of times here on the House floor.

There is a requirement for membership in the European Union. The requirement for a new country to join the European Union, Madam Speaker, is that they not have a debt that exceeds 60 percent of the gross domestic product of that country. Now, what does that mean? As we look at that chart today, the United States of America, Madam Speaker, interestingly enough, could not qualify for membership in the European Union because of that debt burden which is continuing to be passed on and on and on to our children and future generations.

Ms. FOXX. Reclaiming my time, I thank my colleague for pointing out the very important issue of the percentage of debt to the GDP because it is an important issue and our friends across the aisle have created much of that problem along with our President. They have been in charge since January 2007, and that's where the problem comes from.

[From the Wall Street Journal, July 13, 2010]

THE BUSH TAX CUTS AND THE DEFICIT MYTH

(By Brian Riedl)

President Obama and congressional Democrats are blaming their trillion-dollar budget deficits on the Bush tax cuts of 2001 and 2003. Letting these tax cuts expire is their answer.

Yet the data flatly contradict this ''tax cuts caused the deficits'' narrative. Consider the three most persistent myths:

The Bush tax cuts wiped out last decade's budget surpluses. Sen. John Kerry (D–Mass), for example, has long blamed the tax cuts for having ''taken a $5.6 trillion surplus and turned it into deficits as far as the eye can see.'' That $5.6 trillion surplus never existed. It was a projection by the Congressional Budget Office (CBO) in January 2001 to cover the next decade. It assumed that late-1990s economic growth and the stockmarket bubble (which had already peaked) would continue forever and generate record-high tax revenues. It assumed no recessions, no terrorist attacks, no wars, no natural disasters, and that all discretionary spending would fall to 1930s levels.

The projected $5.6 trillion surplus between 2002 and 2011 will more likely be a $6.1 trillion deficit through September 2011. So what was the cause of this dizzying, $11.7 trillion swing? I've analyzed CBO's 28 subsequent budget baseline updates since January 2001. These updates reveal that the much-maligned Bush tax cuts, at $1.7 trillion, caused just 14% of the swing from projected surpluses to actual deficits (and that is according to a ''static'' analysis, excluding any revenues recovered from faster economic growth induced by the cuts).

The bulk of the swing resulted from economic and technical revisions (33%), other new spending (32%), net interest on the debt (12%), the 2009 stimulus (6%) and other tax cuts (3%). Specifically, the tax cuts for those earning more than $250,000 are responsible for just 4% of the swing. If there were no Bush tax cuts, runaway spending and economic factors would have guaranteed more than $4 trillion in deficits over the decade and kept the budget in deficit every year except 2007.

The next decade's deficits are the result of the previous administration's profligacy. Mr. Obama asserted in his January State of the Union Address that by the time he took office, ''we had a one-year deficit of over $1 trillion and projected deficits of $8 trillion over the next decade. Most of this was the result of not paying for two wars, two tax cuts, and an expensive prescription drug program.''

In short, it's all President Bush's fault. But Mr. Obama's assertion fails on three grounds.

First, the wars, tax cuts and the prescription drug program were implemented in the early 2000s, yet by 2007 the deficit stood at only $161 billion. How could these stable policies have suddenly caused trillion-dollar deficits beginning in 2009? (Obviously what happened was collapsing revenues from the recession along with stimulus spending.)

Second, the president's $8 trillion figure minimizes the problem. Recent CBO data indicate a 10-year baseline deficit closer to $13 trillion if Washington maintains today's tax-and-spend policies—whereby discretionary spending grows with the economy, war spending winds down, ObamaCare is implemented, and Congress extends all the Bush tax cuts, the Alternative Minimum Tax (AMT) patch, and the Medicare ''doc fix'' (i.e., no reimbursement cuts).

Under this realistic baseline, the 10-year cost of extending the Bush tax cuts ($3.2 trillion), the Medicare drug entitlement ($1 trillion), and Iraq and Afghanistan spending ($515 billion) add up to $4.7 trillion. That's approximately one-third of the $13 trillion in baseline deficits—far from the majority the president claims.

Third and most importantly, the White House methodology is arbitrary. With Washington set to tax $33 trillion and spend $46 trillion over the next decade, how does one determine which policies ''caused'' the $13 trillion deficit? Mr. Obama could have just as easily singled out Social Security ($9.2 trillion over 10 years), antipoverty programs ($7 trillion), other Medicare spending ($5.4 trillion), net interest on the debt ($6.1 trillion), or nondefense discretionary spending ($7.5 trillion).

There's no legitimate reason to single out the $4.7 trillion in tax cuts, war funding and the Medicare drug entitlement. A better methodology would focus on which programs are expanding and pushing the next decade's deficit up.

Declining revenues are driving future deficits. The fact is that rapidly increasing spending will cause 100% of rising long-term deficits. Over the past 50 years, tax revenues have deviated little from their 18% of gross domestic product (GDP) average. Despite a temporary recession-induced dip, CBO projects that even if all Bush tax cuts are extended and the AMT is patched, tax revenues will rebound to 18.2% of GDP by 2020—slightly above the historical average. They will continue growing afterwards.

Spending—which has averaged 20.3% of GDP over the past 50 years—won't remain as stable. Using the budget baseline deficit of $13 trillion for the next decade as described above, CBO figures show spending surging to a peacetime record 26.5% of GDP by 2020 and also rising steeply thereafter.

Putting this together, the budget deficit, historically 2.3% of GDP, is projected to leap to 8.3% of GDP by 2020 under current policies. This will result from Washington taxing at 0.2% of GDP above the historical average but spending 6.2% above its historical average.

Entitlements and other obligations are driving the deficits. Specifically, Social Security, Medicare, Medicaid and net interest costs are projected to rise by 5.4% of GDP between 2008 and 2020. The Bush tax cuts are a convenient scapegoat for past and future budget woes. But it is the dramatic upward arc of federal spending that is the root of the problem.

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

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

My friends on the other side of the aisle can pull out all their charts and artwork that their Republican National Committee wants to put together for them; but some facts are undeniable, and that is, that when this President came to office, he inherited from George W. Bush the worst economy since the Great Depression. That is undeniable. This economy was in a tail spin, and if it wasn't for the stimulus package, this economy would have continued to go further down the tubes. There was no question about that.

When they talk about deficits, they conveniently leave out the fact that hundreds of billions of dollars in deficit spending went to pay for their tax cuts for their rich friends. That's what they did when they were in power, tax breaks, tax loopholes, all kinds of special interest breaks, for oil companies, for the wealthiest people in this country, and we went deeper and deeper into debt and they didn't care.

Two wars, none of it paid for. None of it paid for, and it should be paid for. The only people sacrificing in these wars are our soldiers and their families. The rest of us are asked to do nothing, and the only possible solution to that that we heard from the other side of the aisle came from the minority leader who said that we should raise the retirement age for those receiving Social Security and take that money and pay for the war. Our senior citizens should pay for these wars? Shouldn't we want to protect Social Security, and shouldn't we find other ways to pay for these wars?

In today's Washington Post, the editorial entitled, ''GOP has no problem extending tax cuts for the rich,'' let me quote from a couple of lines in this editorial: ''Senate Republicans, committed as they are to preventing the debt from mounting further, can't approve an extension of unemployment benefits because it would cost $35 billion. But they are untroubled by the notion of digging the hole $678 billion deeper by extending President Bush's tax cuts for the wealthiest Americans.''

And this is how the editorial ends: ''The issue is whether the tax cuts for the wealthiest Americans should be extended, adding another $678 billion to the deficit over the next decade. The tax cuts, it's worth remembering, passed originally in 2001 with the argument that the surplus was so large that rates could be cut with budgetary room to spare. Now that the fiscal picture has deteriorated so badly, the questions remains: How are you going to pay the $678 billion? And if you don't, how are you going to justify the added damage to an already grim fiscal outlook?''

I insert this article in the RECORD at this point.

[From the Washington Post, July 14, 2010]

GOP HAS NO PROBLEM EXTENDING TAX CUTS FOR THE RICH

Senate Republicans, committed as they are to preventing the debt from mounting further, can't approve an extension of unemployment benefits because it would cost $35 billion. But they are untroubled by the notion of digging the hole $678 billion deeper by extending President Bush's tax cuts for the wealthiest Americans. On Fox News Sunday, Chris Wallace asked Republican Whip Jon Kyl (R–Ariz.) about this contradiction. Mr. Kyl's response is worth examining because of what it says about the GOP's refusal to practice the fiscal responsibility it preaches.

Mr. Kyl's first line of defense was to dismiss Mr. Wallace's query as ''a loaded question'' because ''the Bush tax cuts applied to every single American.'' Mr. Wallace pointed out that he was only referring to the top tax brackets, but Mr. Kyl persisted in his refusal to answer. ''So let's, first of all, start with those that don't apply to the wealthy. Shouldn't those be extended?'' Never mind that no one in a policymaking position—not President Obama, not Democrats in Congress—is arguing against extending those tax cuts, at least temporarily. So when Mr. Kyl contends that ''all of that goes away,'' he is just blowing smoke.

Eventually, Mr. Kyl trotted out the tired and unsubstantiated argument that the tax cuts for the wealthy must be extended because otherwise ''you're going to clobber small business.'' Mr. Wallace persisted: ''But,

sir, . . . how are you going to pay the $678 billion?''—at which point Mr. Kyl descended into nonsense. ''You should never raise taxes in order to cut taxes,'' he declared. ''Surely Congress has the authority, and it would be right to, if we decide we want to cut taxes to spur the economy, not to have to raise taxes in order to offset those costs. You do need to offset the cost of increased spending, and that's what Republicans object to. But you should never have to offset [the] cost of a deliberate decision to reduce tax rates on Americans.''

Huh? No one's talking about cutting taxes on the wealthy to stimulate the economy. The issue is whether the tax cuts for the wealthiest Americans should be extended, adding another $678 billion to the deficit over the next decade. The tax cuts, it's worth remembering, passed originally in 2001 with the argument that the surplus was so large that rates could be cut with budgetary room to spare. Now that the fiscal picture has deteriorated so badly, the questions remains: How are you going to pay the $678 billion? And if you don't, how are you going to justify the added damage to an already grim fiscal outlook?

Madam Speaker, my friends on the other side of the aisle have been fighting with all their might to deny Americans who have lost their jobs, mostly through no fault of their own, they have been fighting with all their energy to deny them unemployment benefits during this very difficult time where people who can't get these benefits and whose savings are drying up are not going to be able to afford to pay their bills, be able to keep their home; and my friends on the other side of the aisle say we can't afford that, we can't afford that, notwithstanding the fact it's a one-time expenditure.

But you know, when it comes to the wars, let's vote to add another $33 billion in borrowed money on to our children's credit card and no questions asked.

I'd like to do a little nation building, Madam Speaker, here in the United States. I think we have an obligation to take care of the people here in this country, and so I'm all for working on trying to reduce our deficit and our debt. That's what the Democratic Party is dedicated to. The President is dedicated to that. He's formed a bipartisan commission, but to come on the floor and to say that somehow the policies of the previous President, the tax cuts for the rich, billions and billions and billions of dollars in added deficit spending, the war, the prescription drug benefit bill, not even paid for, to suggest that that didn't occur is ludicrous.

The bottom line is that you delivered to this President, my friends on the other side of the aisle delivered to this President, the worst economy since the Great Depression and he has been working overtime to try to dig this country out of the ditch that the Republicans dug, and we need to continue to move forward.

I will add one other thing, Madam Speaker, and that is, during the first year of President Obama's administration more jobs were created than during the 8 years of George W. Bush, and that's a fact.

I reserve the balance of my time, Madam Speaker.

□ 1220

Ms. FOXX. Madam Speaker, I just want to quickly respond to two things that my colleague from Massachusetts said.

He talks about the fact that the Federal Government is paying for wars. Well, let me say that the Constitution of the United States says, ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare,'' et cetera. It is the role of the Federal Government to protect us in this country. It is the only entity in our country who can do that. It is our role.

The other comment he makes is ''tax cuts for the rich.'' My colleague, just like almost all my colleagues across the aisle, have an assumption that all the money that is generated in this country belongs to the government and that if there is a tax cut provided, that that is a gift from the government to the people getting the tax cut.

No, Madam Speaker, that is not right. The government is not in control in this country. The people are in control. And for them to have that assumption is the biggest part of the problem that we have here right now.

Madam Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

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

Mr. DREIER. Madam Speaker, let me at the outset say I twice asked my friend from Worcester to yield, and I will say that at any time during my remarks that he would like to challenge me, I look forward to yielding to him.

Now, Madam Speaker, let me say first and foremost that this issue of who is in fact responsible for the security of the United States of America, my friend from Grandfather Community, North Carolina, is absolutely right. The five most important words in the middle of that preamble to the Constitution that she just read are ''provide for the common defence.'' Virtually everything else that we do can be dealt with by individuals, families, churches or synagogues, cities, counties or States. But the national security of the United States of America can only be dealt with by the Federal Government, and we should never forget that.

Now, as we listen to some of the specious charges that have been coming from the other side of the aisle, like this chart that my colleague on the Rules Committee offered, saying that this was from the Republican National Committee, this is from usgovernmentspending.com, a completely nonpartisan entity and they are facts. We have seen a dramatic increase in spending.

My friend regularly talks about the fact that this administration, this President, inherited a bad economy. We all acknowledge that. But what is it that has happened since then, Madam Speaker? Contrary to what my friend just said, we have seen the economy get worse and worse and worse.

We were promised, and I will be happy to yield to my friend if he would like to, we were promised that the unemployment rate would not exceed 8 percent if we were to pass the $1 trillion stimulus bill. Where is it today? At 9.5 percent.

Across the country, many of us are hosting job fairs. There are people who are hurting. In the area that I represent, Madam Speaker, part of it has an unemployment rate that exceeds 14 percent.

The American people know one thing that they have learned over the past year-and-a-half, and that is you cannot spend your way to prosperity.

Now, Madam Speaker, what is it that we are trying to do? We want to ensure that future generations are not saddled with this tremendous debt burden that has been imposed.

This morning I had the opportunity to meet a young man who is very, very inspiring with what he has done over the past 39 days. He visited me. His name is Joseph Machado, and he is here with his parents and his brother Robert and his sister Mercedes. What this young man did, 13 years of age, having gone through tremendous physical adversity, having suffered over the past few years because of an accident, he has been wheelchair-bound. But what has he done over the past 39 days, Madam Speaker? He rode a bicycle from Southern California to the White House. He came here, I met him this morning here in the Capitol, and he has been doing this to raise money and focus resources on the challenges that young people are dealing with.

Now, I raise the name of Joseph Machado to say that as we look at this 13-year-old boy and the challenges that he has gone through, the idea that we will be thrusting on to his shoulders and his brother Robert and his sister Mercedes the responsibility of paying for such profligate spending that has been going on is just plain wrong.

We feel strongly about the need to ensure that we do not do that, that we do everything we can to decrease that. That is one of the reasons that we are going to urge our colleagues today to vote no on the previous question, and in voting no on the previous question we will allow the House to have a chance to vote on a proposal that our colleague from Peoria, Mr. SHOCK, has offered that is going to deal with training to rein in spending.

The people of this country have driven around, and I laugh, I mean sadly laugh, when I see the signs along the side of the road that credit the Reinvestment Act with the job creation that is supposedly going on in dealing with infrastructure issues. Millions and

millions of dollars are being expended putting up the signs along the side of the road. The burden of those is going to be passed on to Joseph Machado and other young people in this country, and we believe that that is an example that the American people can get so they don't have to see signs that they are paying for along the side of the road.

Every Member of this House, Madam Speaker, is going to have an opportunity to vote no, to say that we shouldn't be continuing to spend millions of dollars on road signs crediting the stimulus bill for the construction that is taking place on those roads.

So I am going to join in urging my colleagues under this YouCut proposal to vote ''no'' on the previous question, because that vote in and of itself will allow us the opportunity to consider this measure.

Madam Speaker, with that, I urge a ''no'' vote on the previous question and a ''no'' vote on the rule, because this is a completely closed rule, having had this measure considered under suspension of the rules.

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

Let me remind my colleagues, Madam Speaker, that when President Obama came to office, he inherited an economy that was losing on average 750,000 jobs a month. That is what President Obama was left with.

My friends talk about the fact that the economy is still struggling. It is still struggling. But the June numbers, as much as we wish they were better, we were told that 83,000 private sector jobs were created and 9,000 manufacturing jobs. I would rather be creating jobs, again, I would like to create 100 times more jobs than we were able to do in June, but I would rather be creating jobs than going back to where we were losing hundreds of thousands of jobs a month.

My friend mentioned job fairs, all my colleagues are doing job fairs. What I find particularly ironic is that my colleagues are hosting job fairs touting stimulus money. The distinguished minority whip on the Republican side from Virginia has been one of the Recovery Act's most vocal critics, uniformly whipping the Republican Caucus into opposing the stimulus. But despite his withering attacks and despite the withering attacks of others on the other side, they continue to host job fairs filled with employers hiring directly because of stimulus grants and programs.

We are told that over half the GOP Caucus, 114 lawmakers who voted to kill the stimulus, then took credit for its success, hosting job fairs, touting the stimulus, doing press releases every time a stimulus award was announced.

So, I guess they want to have it both ways. They want to be out here criticizing the Recovery Act, but when they go home, they are standing and posing for pictures, handing checks to their constituents and small businesses with stimulus money.

So I would again urge my colleagues on the other side of the aisle to at least be consistent. If you are going to oppose the Stimulus Act, the American Recovery Act, don't go home and take credit for it. Don't go home and say ''I did this for you'' when you were here in Washington and you voted to deny your communities the very money that is helping to create some jobs.

I reserve the balance of my time, Madam Speaker.

□ 1230

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I can assure my colleague across the aisle that I wasn't one of those people who went home to take credit for the Stimulus Act. So he needs to take that issue up with those who have done it and not paint us all with the same brush.

Madam Speaker, the underlying bill proposes spending $30 million creating a variety of initiatives promoting telework opportunities to allow Federal employees to work at home. This bill would require each Federal agency to create a teleworking managing officer. But there are many people who wonder if creating this kind of a situation is going to improve efficiency among Federal employees, and it may even reduce the productivity of the Federal Government.

While the 3 million Americans who have lost their jobs since President Obama took office are asking, Where are the jobs we were promised, the Congress is pushing this initiative to make it easier for Federal employees who already have it much better than the rest of the country to avoid coming to work. So why is this bill so popular with the ruling liberal Democrats? Perhaps it has something to do with their longstanding subservience to labor unions.

New data from the Bureau of Labor Statistics show that a majority of American union members now work for the government. That's 52 percent of all union members now work for the Federal, State, or local government, representing a sharp increase from the 49 percent in 2008. A full 37.4 percent of government employees belonged to the unions in 2009, up six-tenths of a percent from 2008. This shift toward representing government employees has changed the union movement's priorities, as unions now campaign for higher taxes on Americans to fund more government spending.

These changes in union membership are certainly not surprising, as unionized companies do poorly in the marketplace and lose jobs relative to their nonunion competitors. Government employees, however, face no competition, as the government never goes out of business. The recession has left union bosses looking for new membership targets—and where better to look than in the government, which they see as having the deepest of all pockets and a host of sympathetic liberal Democratic politicians eager to please their political base. In fact, as reported by USA Today, overall, Federal workers earned an average salary of $67,691 in 2008 for occupations that exist both in government and the private sector, according to the Bureau of Labor Statistics data. The average pay for the same mix of jobs in the private sector was $60,000. These salary figures don't include the value of health, pension, and other benefits, which average $40,785 per Federal employee in 2008 versus $9,882 per private worker, according to the Bureau of Economic Analysis. So the average Federal employee's benefits are worth four times what the average benefits are worth in the private sector.

A March 26, 2010, Wall Street Journal editorial entitled ''The Government Pay Boom'' reveals that ''the real windfall for government workers is in benefits.'' And it goes on to talk about how these benefits are growing, growing, growing. We know that the number of Federal employees making over $100,000 has increased by almost 5 percent since 2007, since the Democrats took over in Congress. Currently, there are more people in the Federal Government making in excess of $100,000 than those making $40,000.

Since the recession began in 2007, public worker pay has risen 7.8 percent, while private-sector wages remain stagnant. The 2010 pay increase for Federal civilian employees was 2 percent. In 2009, the average Federal employee received a pay raise of 3.9 percent, and an average pay increase of 3.5 percent in 2008. In 2007, the Department of Transportation had only one employee making over $170,000. At the end of last year, it had 1,690 employees making that amount.

Madam Speaker, we are growing the Federal Government while we have a 9.7 percent unemployment rate in the private sector. This is unacceptable to the American people. That's why we should vote ''no'' on this rule and ''no'' on this bill, because we are not heeding what the American people want us to do.

I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I think the gentlelady from North Carolina kind of just summed it all up. The Republican message to workers all across the country is, We don't want you to have good wages; we don't want you to have good benefits; we don't want you to have good retirement. We want to go back to the days when you get paid less; when one job doesn't earn enough for you to be able to support your family. I've never heard anybody get up before and talk about and advocate lower wages for people. They're all upset that a researcher at NIH trying to find a cure for cancer or a cure to Alzheimer's disease or Parkinson's disease is somehow being overpaid. I've heard a lot of things on this floor, but I've never had anyone come out and

decry the fact that workers in this country should be paid less.

My friend from North Carolina always likes to talk about the fact that government should act more like a business. Well, I want to remind her that the bill that we are talking about here today, the telework bill—telework practices have been adopted by the private sector all throughout the country. I will give you an example. Teleworking allows IBM to reduce office space and save $56 million per year every year. Well, it works in the private sector. Why don't we take that example of where the private sector is able to save some money and bring it to the government sector where we may be able to save some money. If we can save tens of millions of dollars each year, that is a good thing. Maybe we can take that money and put it toward deficit reduction. But the idea to come out here and to be against this bill because of unions and all this other stuff, I think, is ridiculous.

This is a commonsense measure that's going to save the American taxpayer a lot of money. I urge all my colleagues, Democratic and Republican alike, to support this commonsense measure.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 4 minutes to the distinguished Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentlelady for yielding.

Madam Speaker, I rise today to ask Members to join me in voting ''no'' on the previous question. For the past couple of years, the American people have been forced to make some extremely difficult budgeting decisions. Because when times are tough and your back is up against the wall, you have no choice but to rein in your expenditures and pare down your debts.

This vote today on the previous question, the reason why we're standing in opposition, is because Republicans would like to see us include in this rule the opportunity to vote on this week's winning YouCut proposal. This proposal would prohibit funding for the droves of puzzling and flamboyant signs attributing various projects to last year's stimulus bill. Often visible along highways, these signs do not provide any meaningful information and do not create any jobs. They are the public face of an administration PR campaign that taxpayers are unwittingly financing. While the precise cost of these signs is unknown, press reports peg it in the tens of millions of dollars.

The painful sacrifice borne by families and small businesses are hugely disconnected from the status quo here in Washington. Inside this Chamber of Congress, the excessive, untargeted, and ineffective spending binge that gives us the failed stimulus is alive and kicking. But now, Madam Speaker, the American people are fed up. Across the country, from big cities to quiet suburbs to rural towns, Americans of all backgrounds are demanding that Washington stop the wasteful spending.

Today, here in this body we will hold the seventh YouCut vote—and the American people will once again be able to see which Member of Congress hears their plea and gets the message. This week's proposal, by Representative SCHOCK of Illinois, would require agencies to report on the amount already spent on the signs. And it would recapture those funds by reducing the agencies' administrative expenses by that same amount.

Madam Speaker, America is at a crossroads. The Federal Government needs to stop spending our country out of prosperity and into a quicksand of unsustainable debt. We need to change the culture in Washington and tip the balance in the direction of savings. I urge my colleagues to vote ''no'' and to bring this week's YouCut proposal to a vote before the full House.

□ 1240

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

Madam Speaker, this is laughable. If we're talking about trying to reduce the deficit and get the debt under control, this is the best that we can get, you know, not putting up signs? I mean, how about paying for the tax cuts for the rich that my friends on the other side of the aisle passed? Hundreds of billions of dollars in debt that you put on the backs of my kids and my grandkids so that the wealthiest of the wealthy in this country can get a tax break? Why don't you pay for that, if you want to get this deficit or this debt under control? Signs, that's the best we can do?

Again, with respect to the distinguished minority whip, who I heard again beat up on the stimulus package, it's funny that he beats up on the stimulus package here, but when he goes home, he holds a job fair that so everybody can take advantage of the of the stimulus package. Employer after employer after employer in the gentleman from Virginia's district has received money from the stimulus package so they can create more jobs, and the gentleman takes credit for it, and so do a great many people on the other side of the aisle.

I find it somewhat hypocritical that on one hand we're here saying, ''We don't like it,'' but when you go back home, you tell everybody, ''Oh, this is what I'm doing for you.''

But if you want to get serious about reducing our deficit, we have a bipartisan commission set up to try to make recommendations to this Congress. We need to do it holistically. It's going to be tough. We all want to do it. But to come up and say, ''Oh, you know, our suggestion is to eliminate the signs on projects that benefit from money from the Recovery and Reinvestment Act,'' I think that's just silly.

I would urge my colleagues again to remember the underlying bill that we're talking about, this telework bill, will save tens of millions of dollars for the taxpayers. Those tens of millions of dollars I would bet is a lot more than the signs and could be put toward deficit reduction or could be put toward what I think needs to happen right now, which is that we need to extend unemployment benefits to those who are struggling in this difficult economy. Unfortunately, my Republican friends don't agree to that, and they are blocking it in the Senate.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I will invite my colleague from Massachusetts, when he speaks again, to give us the citation for the study that he's talking about that shows that this bill will save tens of millions of dollars. I have done a little research on it myself, and I will be talking about that study. But I would invite him to prove to the American people that this will save money.

And I want to point out to him that he's poking fun at Republicans on recommending that we save money on signs, but what he was really doing is poking fun at the American people. It wasn't the Republicans on this side of the aisle who came up with this. It's the American people who voted on this, and the American people understand the biblical admonition, If you are a good steward of small things, you will be a good steward of big things. We should start where we can save money. And I agree with the people. This is a good place to start.

With that, I yield 3 minutes to my colleague from Illinois (Mr. SCHOCK).

Mr. SCHOCK. I thank my good friend, Dr. FOXX, for the time here today.

Madam Speaker, at the President's first news conference after his first official Cabinet meeting, he addressed the Nation, and he said that he was asking his agency heads to come together and collectively come up with $100 million in savings that they could bring forward for this next budget year to eliminate over last year's spending. His quote was, ''We've got to earn their trust.'' The President said, ''They've got to feel confident that their dollars are being spent wisely.'' I couldn't agree with the President any more.

So that is really what today is about. We bring forward House Resolution 5679, which is really quite simple. It says we don't need to tell the American people with propaganda signs that we're spending their tax dollars wisely. More specifically, we don't need to put up road signs all over the country when we're doing paving projects at the tune of hundreds, sometimes thousands. We've found signs that cost over $10,000 apiece simply to say this is your tax dollars at work.

First of all, I would suggest to you that it's an insult to the intelligence of my taxpayers to suggest that they drive by a public works project and think that anyone other than they, as taxpayers, are paying for it. Second, I

would suggest to you that this is a dangerous precedent. Think if every unit of government, from your school board, your township officials, your State government, your Federal Government put a label on everything that they were using to spend your tax dollars on. The unnecessary bureaucratic expense, the unnecessary overhead that it creates.

We have found in 1 year since the stimulus bill was passed that we have spent over $20 million just on signs. The Illinois Department of Transportation, in my home State, has spent over $650,000 on signs. The State of Ohio reports they've spent over $1 million just on signs—not creating jobs, not the infrastructure that was promised, not to lower unemployment, but rather a bunch of sheet metal along the road.

This is not only the financially smart thing to do. I would argue it's the environmentally right thing to do. And then my friends on the other side of the aisle stand up and suggest, well, gee, you know, AARON, it's only $20 million. The estimates, if we don't stop doing this, are that by the time the stimulus program has run its course, we will spend $192 million on these signs. Now, I don't know about you, but whether you supported the stimulus program or you voted against the stimulus program, I hope we can come together and say, You know what? At the end of the day, this $192 million, this $20 million that's already been spent, would better be spent on road projects, on filling potholes, on fixing bridges, on something that we can show for that we're going to ask the next generation of Americans to pay for. And that's all we're doing. We're saying, from this day forward, you can't spend money on signs. Put it into the infrastructure.

Mr. MCGOVERN. Madam Speaker, again, I am always interested in what my colleagues have to say today. But where were they when President Bush and the administration sent out a press release on the prescription drug bill that they didn't pay for that cost millions and millions of dollars to all the senior citizens of this country? There was silence. And if we want to have a serious discussion about deficit reduction, which I think we should, this is where we begin? Why don't we talk about paying for the Bush tax cuts for the rich? Why not offset those tax cuts? Why not pay for them? Why not have that discussion? My friends talk about the deficit, but they didn't have any problem adding hundreds of billions of dollars onto the credit card for the prescription drug bill. They didn't think it was important to pay for it.

Under the Democratic leadership, we're abiding by PAYGO. We're paying for things as we go forward. My friends on the other side of the aisle, when they were in charge, they didn't do that. That's one of the reasons why we're in such trouble right now. But if you really want to reduce the deficit in this country, if you really want to get at the debt, if you really want to do this right, then we need a serious discussion; and the President, I think, has taken the first step toward that discussion by putting together a bipartisan commission to figure out how we do this.

And you know what? The recommendations are going to be such that none of us are going to like them, and we are going to have to make some tough decisions, and hopefully we'll do it together. If not, we'll do it alone. But I think the fact of the matter is getting the deficit under control is a priority. But I'll tell you this: You're not going to get the deficit under control unless you get the economy back on track, unless you put people back to work.

And I really regret that my friends on the other side of the aisle, every chance they get, try to undercut this President's economic agenda to try to create and incentivize more jobs. Every chance, every single chance, they object or they try to obstruct. Again, I will go back to what I said earlier. They come on the floor and they decry the American Recovery and Reinvestment Act, but then they go back to their districts and they do press conferences and they do press releases and they take all kinds of bows for all the money that they voted against. A lot of that money, Madam Speaker, is creating jobs in their districts. And the reason why, I guess, they're taking bows is because they see that some of the help to some of the small businesses and to some of their manufacturers and to some of the States and cities and towns for building their infrastructure is important to job creation.

So, again, let's get back to what we're here to talk about, which is this telework bill, which I think will save the Federal Government a great deal of money. I'm not the only one who thinks that. There are others in the private sector and in the public sector that have made the argument that if we do this right, we could save not just tens of millions of dollars but maybe hundreds of millions of dollars, and I think that's a good step for us to take. If my friends on the other side of the aisle don't want to take that step, fine. They can do what they usually do and obstruct everything. But this is good for the taxpayers of this country, and I hope that it passes with an overwhelming margin.

I reserve the balance of my time.

□ 1250

Ms. FOXX. Madam Speaker, I just want to point out to my colleague from Massachusetts that the Republicans can't obstruct the President's effort because we are in the minority. And we don't have to obstruct him anyway because they've all failed. Nothing has worked that the President and our friends across the aisle have tried, and so they're going to fail of their own weight.

Madam Speaker, I yield 2 minutes to my colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I agree with my colleague from Massachusetts that we need to get this economy back on track, but you don't get it back on track by creating the great uncertainty that your side has created in the economy, raising health care costs, raising energy costs—potentially raising energy costs—raising taxes. Businesses aren't going to invest when there's this much uncertainty out there. And I hear it every single day from my colleagues from around the country, from businesses that I speak to.

But what we can do is start to find out ways to cut wasteful spending. And I support Mr. SCHOCK from Illinois's proposal today to cut the wasteful spending on these signs that are across this country. $20 million. They're not creating a single job. They're not improving safety in this country. In fact, as my colleague said, I find it silly that this administration is spending $20 million on signs.

In my State of Pennsylvania, which has more structurally deficient bridges than any other State in the Nation, we could take these $20 million and apply it to some of these bridges in Pennsylvania and across this country. And I'll just point out three of them in Pennsylvania, while I'm sure there are hundreds if not thousands across this country:

$1.1 million to replace the Bolden Ridge Bridge in Fayette County, a project that would create 33 jobs and improve safety for the traveling public;

$3 million to replace the Fair Grounds Bridge in Somerset County, Pennsylvania, a project that would create 92 jobs and, again, improve safety for our citizens;

And, finally, $5.5 million to repair a sinkhole that's occurring in Huntington County, Pennsylvania, that is going to pose a serious risk to the traveling public in Huntington County, Pennsylvania, and those people that cross that road. $5.5 million will create 167 jobs, and it will make our roadways safer.

These projects will create jobs. They will improve our infrastructure. And most importantly, they'll improve safety.

So I ask my colleagues on the other side to stand up with us today and say, let's stop this silliness. Let's stop spending $20 million on these signs that aren't creating jobs and are nothing more than propaganda. So I ask them to support my colleague's, Mr. SCHOCK, H.R. 5679.

Mr. MCGOVERN. Madam Speaker, I'm a little bit confused. I don't know whether the gentleman supports the stimulus package or opposes the stimulus package.

On one hand, you know, Pennsylvania was one of the top recipients of aid from the American Recovery and Reinvestment Act. A lot of bridges are

being repaired; a lot of highways are being fixed. Does the gentleman want to take that money back? Does he think that the people who worked on constructing those bridges and building those roads are somehow, those jobs aren't worth it?

The fact of the matter is, you know, it's another example of where, on one hand, my colleagues are saying we want more money for bridges and roads and infrastructure. And the very bill that delivered a lot more money for bridges and roads, they all voted against.

So I would again urge my colleagues to be consistent. And I would also urge them to support the underlying bill, this telework bill, which I think will save the taxpayers millions and millions of dollars.

Mr. SHUSTER. Will the gentleman yield?

Mr. MCGOVERN. I'm happy to yield to the gentleman.

Mr. SHUSTER. When we did the stimulus bill, we spent money on all different kinds of programs, many of which don't create jobs. Only 8 percent went to infrastructure in this country, 8 percent, which is a very small amount.

Mr. MCGOVERN. I reclaim my time. But the fact of the matter is a lot of infrastructure projects are going on in Pennsylvania right now. And the people who are working on those jobs are happy to have a job. And the people who run the State are happy that they are able to make some improvements because States have been suffering greatly as a result of this economy.

So, you know, I would also point out again that, for all the talk of jobs, when they were in charge, we were losing on average 750,000 jobs a month; 750,000 jobs a month we were losing when they were in charge.

We're now gaining jobs, not as many as we would like, but we're moving in a different direction. I don't want to go backwards. I don't want to go backwards to 22 consecutive months of job loss.

Barack Obama has created more jobs in 1 year than George Bush created in 8 years, and that is a fact. And so to all my colleagues who are talking about jobs, here's your choice: you can go backwards and experience once again historic job losses, or you can stick with this economic agenda, get through this difficult time, put people back to work, get this economy moving again and start paying down our debt.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, my colleague again is very selectively using statistics. He knows that he cannot back up the data that says that in the first year of President Obama's administration he has created more jobs than in all the Bush administration.

I have this chart which shows the unemployment rate under President Obama, under President Bush; and, again, we had many more jobs created under President Bush than have been created under President Obama, because all we've done is lose jobs under President Obama and create government jobs.

That's the whole issue here, Madam Speaker. We've lost four million jobs since President Obama took office. That's it.

And, you know, my colleague across the aisle says we need to be consistent. Well, he should be consistent. This will bring savings immediately, what we're proposing. What he's talking about might bring savings 30 years down the road. In fact, the study that I asked him to talk about, there's no study, Madam Speaker. I asked for a copy of the study. You know what it is? An article that was in the newspaper last February when we shut the government down, or the Democrats shut the government down for a week. They were losing $100 million a day. But they found out 30 percent of the people were logging into their computers, so they call that a savings of $30 million per day.

Listen, the American people are tired of that kind of thing being passed off as a study. There is no study.

Madam Speaker, this bill does not need to be passed. This rule does not need to be passed.

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

Mr. MCGOVERN. Madam Speaker, I yield the gentlelady an additional 20 seconds to finish her statement.

Ms. FOXX. Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 8 minutes remaining.

Mr. MCGOVERN. Madam Speaker, I won't take the full 8 minutes, but I again want to point out a couple of facts to my colleagues here. We are faced with a very difficult economy, and this is an economy that President Obama inherited. He is trying to dig this economy out of the ditch that my friends on the other side of the aisle dug us into. It is not easy, and it's not going to happen overnight.

But it is a fact that Barack Obama has created more jobs in 1 year than George Bush created in 8 years. We were losing hundreds of thousands of jobs on average each month when President Bush was in office. We are now gaining jobs; not as many as we would like, not as fast as we would like, but we are moving in a very different direction. We're moving in the direction where we are creating more jobs, and we're moving toward a healthier economy. That is just the fact.

And the question is, Do we try to work with this administration to get this economy back on a strong footing, or are we going to try to obstruct everything and root for failure?

I mean, my friends on the other side of the aisle, their whole kind of, their whole platform is based on this President failing, on this economy failing. How cynical can you get?

The fact is, we have a lot of work to do, and we need to focus on jobs. Jobs is the issue. We need to extend unemployment benefits to those who have lost their jobs, mostly through no fault of their own.

□ 1300

We need to help them get through this difficult time. I regret that my Republican friends in the Senate continue to obstruct the extension of unemployment benefits. I hope nobody goes home for an August recess until unemployment benefits are extended.

My friends say we can't afford to pay for it. Can't afford to pay to help people in our own country. Yet last week $33 billion in borrowed money for nation building that supports a corrupt government in Afghanistan. They all support it. No questions asked. All borrowed money. And I get it. You know, if you think it's important, fine. But if nation building in Afghanistan is important, a little bit more nation building here in the United States of America is important.

We have to take care of our people here who are experiencing very difficult times because of the troubled economy. We just can't sit here and bicker and bicker and bicker and let people lose their homes and let people not be able to pay their bills or put food on their table.

The fact of the matter is, Madam Speaker, this President has accomplished a great deal in a very short time. And my expectation is that if we continue to follow his economic agenda, that we will see this economy get on stronger footing. The bill that's before us, the telework bill, I think is a good bill. It will save the taxpayers lots of money. IBM, a private-sector company, says it saved them tens of millions of dollars each year. If it can save IBM tens of millions of dollars each year, it ought to save the Federal Government hundreds of millions. Let us take that money, put it toward deficit reduction or put it toward helping our people who are in deep trouble as this economy tries to recover.

Madam Speaker, I would close by urging my colleagues to support the rule. I would urge a ''yes'' vote on the previous question on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1509 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5679) to prevent funding from the American Recovery

and Reinvestment Act of 2009 from being used for physical signage indicating that a project is funded by such Act, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5679.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1509, if ordered; and suspending the rules and passing H.R. 2864.

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

[Roll No. 437]

YEAS—232

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

NAYS—184

Aderholt
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam

Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bachus
Capuano
Cummings
Delahunt
Deutch
Garamendi
Grijalva
Hastings (FL)
Hinojosa
Hoekstra
Kagen
Marshall
Olson
Sánchez, Linda T.
Tiahrt
Whitfield

□ 1329

Mrs. CAPITO, Messrs. BARTON of Texas, CRENSHAW, LUETKEMEYER, and ISSA changed their vote from ''yea'' to ''nay.''

Ms. SPEIER changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 180, not voting 14, as follows:

[Roll No. 438]

AYES—238

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

NOES—180

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

NOT VOTING—14

Bachus
Deutch
Hastings (FL)
Hinojosa
Hoekstra
Kagen
Marshall
McKeon
McMahon
Olson
Sánchez, Linda T.
Sires
Tiahrt
Whitfield

□ 1338

Mr. REICHERT changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McMAHON. Madam Speaker, on rollcall No. 438, had I been present, I would have voted "yes."

## AUTHORIZING HYDROGRAPHIC SERVICES FOR LOSS OF ICE IN ARCTIC

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2864) to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring of coastal changes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 439]

YEAS—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)

DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Foxx
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
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
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Larsen (WA)
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Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
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Pingree (ME)
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Poe (TX)
Polis (CO)
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Price (GA)
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Rehberg
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Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
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Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
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Sherman
Shimkus
Shuler
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Smith (NE)
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Upton
Van Hollen
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Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Andrews
Bachus
Brady (TX)
Conyers
Deutch
Hastings (FL)
Hinojosa
Hoekstra
Kagen
Olson
Sánchez, Linda T.
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1346

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BACHUS. Madam Speaker, on July 14, 2010, I missed rollcall votes 437, 438 and 439 while visiting with World War II veterans from my district at the National World War II Memorial as part of the Birmingham Honor Flight program. Had I been present, I would have voted "nay" on Nos. 437 and 438 and voted "yea" on No. 439.

## TELEWORK IMPROVEMENTS ACT OF 2010

Mr. LYNCH. Madam Speaker, pursuant to House Resolution 1509, I call up the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1509, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 111–535, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1722

*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 ''Telework Improvements Act of 2010''.*

***SEC. 2. TELEWORK.***

*(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:*

***''CHAPTER 65—TELEWORK***

*''Sec.*
*''6501. Definitions.*
*''6502. Governmentwide telework requirement.*
*''6503. Implementation.*
*''6504. Telework Managing Officer.*
*''6505. Evaluating telework in agencies.*

***''§ 6501. Definitions***

*''For purposes of this chapter—*

*''(1) the term 'agency' means an Executive agency (as defined by section 105), except as otherwise provided in this chapter;*

*''(2) the term 'telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work;*

*''(3) the term 'continuity of operations', as used with respect to an agency, refers to measures designed to ensure that functions essential to the mission of the agency can continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, public health emergencies, and technological or attack-related emergencies; and*

*''(4) the term 'Telework Managing Officer' means, with respect to an agency, the Telework Managing Officer of the agency designated under section 6504.*

***''§ 6502. Governmentwide telework requirement***

*''(a) TELEWORK REQUIREMENT.—*

*''(1) IN GENERAL.—Not later than one year after the date of the enactment of this chapter, the head of each agency shall establish a policy under which employees shall be authorized to telework, subject to paragraph (2) and subsection (b).*

*''(2) AGENCY POLICIES.—The head of each agency shall ensure—*

*''(A) that the telework policy established under this section—*

*''(i) conforms to the regulations promulgated by the Director of the Office of Personnel Management under section 6503, and*

*''(ii) authorizes employees to telework to the maximum extent possible without diminishing agency operations and performance; and*

*''(B) that information on whether a position is eligible for telework is included in descriptions of available positions and recruiting materials.''.*

*''(b) PROVISIONS RELATING TO CERTAIN CIRCUMSTANCES.—Nothing in subsection (a) shall be considered—*

*''(1) to require the head of an agency to authorize teleworking in the case of an employee whose duties and responsibilities—*

*''(A) require daily direct handling of classified information; or*

*''(B) are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment; or*

*''(2) to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head, the employee is needed to respond to an emergency.*

*''(c) RULE OF CONSTRUCTION.—Nothing in this chapter shall—*

*''(1) be considered to require any employee to telework;*

*''(2) prevent an agency from permitting an employee to telework as part of a continuity of operations plan; or*

*''(3) authorize telework by an employee 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.''.*

***''§ 6503. Implementation***

*''(a) RESPONSIBILITIES OF AGENCIES.—The head of each agency shall ensure that—*

*''(1) appropriate training is provided to supervisors and managers, and to all employees who are authorized to telework, as directed by the Telework Managing Officer of such agency;*

*''(2) the training covers the information security guidelines issued by the Director of the Office of Management and Budget under this section;*

''(3) no distinction is made between teleworkers and nonteleworkers for purposes of—

''(A) periodic appraisals of job performance of employees,

''(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, or removing employees,

''(C) work requirements, or

''(D) other acts involving managerial discretion;

''(4) in determining what constitutes diminished performance in the case of an employee who teleworks, the agency shall consult the performance management guidelines of the Office of Personnel Management; and

''(5) in the case of an agency which is named in paragraph (1) or (2) of section 901(b) of title 31, the agency incorporates telework in its continuity of operations plans and uses telework in response to emergencies.

''(b) RESPONSIBILITIES OF OPM.—The Director of the Office of Personnel Management shall—

''(1) not later than 180 days after the date of the enactment of this chapter, in consultation with the Administrator of General Services, promulgate regulations necessary to carry out this chapter, except that such regulations shall not apply with respect to the Government Accountability Office;

''(2) provide advice, assistance, and any necessary training to agencies with respect to the requirements of this chapter, including with respect to—

''(A) questions of eligibility to telework, such as the effect of employee performance on eligibility, and

''(B) making telework part of the agency's goals, including those of individual supervisors and managers; and

''(3) in consultation with the Administrator of General Services, maintain a central, publicly available telework website that includes—

''(A) any regulations relating to telework and any other information the Director considers appropriate,

''(B) an e-mail address which may be used to submit comments to the Director on agency telework programs or agreements, and

''(C) a copy of all reports issued under section 6505(a).

''(c) SECURITY GUIDELINES.—The Director of the Office of Management and Budget, in coordination with the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking. Such guidelines shall, at a minimum, include requirements necessary—

''(1) to control access to agency information and information systems;

''(2) to protect agency information (including personally identifiable information) and information systems;

''(3) to limit the introduction of vulnerabilities;

''(4) to protect information systems not under the control of the agency that are used for teleworking;

''(5) to safeguard wireless and other telecommunications capabilities that are used for teleworking; and

''(6) to prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.''.

**''§ 6504. Telework Managing Officer**

''(a) DESIGNATION AND COMPENSATION.—Each agency shall designate an officer, to be known as the 'Telework Managing Officer'. The Telework Managing Officer of an agency shall be designated—

''(1) by the Chief Human Capital Officer of such agency; or

''(2) if the agency does not have a Chief Human Capital Officer, by the head of such agency.

''(b) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

''(c) LIMITATIONS.—An individual may not hold the position of Telework Managing Officer as a noncareer appointee (as defined in section 3132(a)(7)), and such position may not be considered or determined to be of a confidential, policy-determining, policy-making, or policy advocating character.

''(d) DUTIES AND RESPONSIBILITIES.—Each Telework Managing Officer of an agency shall—

''(1) provide advice on teleworking to the head of such agency and to the Chief Human Capital Officer of such agency (if any);

''(2) serve as a resource on teleworking for supervisors, managers, and employees of such agency;

''(3) serve as the primary point of contact on telework matters for agency employees and (with respect to such agency) for Congress and other agencies;

''(4) work with senior management of the agency to develop and implement a plan to incorporate telework into the agency's regular business strategies and its continuity of operations strategies, taking into consideration factors such as—

''(A) cost-effectiveness,

''(B) equipment,

''(C) training, and

''(D) data collection;

''(5) ensure that the agency's telework policy is communicated effectively to employees;

''(6) ensure that electronic or written notification is provided to each employee of specific telework programs and the agency's telework policy, including authorization criteria and application procedures;

''(7) develop and administer a tracking system for compliance with Governmentwide telework reporting requirements;

''(8) provide to the Director of the Office of Personnel Management and the Comptroller General such information as such individuals may require to prepare the reports required under section 6505, including the techniques used to verify and validate data on telework, except that this paragraph shall not apply with respect to the Government Accountability Office;

''(9) establish a system for receiving feedback from agency employees on the telework policy of the agency;

''(10) develop and implement a program to identify and remove barriers to telework and to maximize telework opportunities in the agency;

''(11) track and retain information on all denials of permission to telework for employees who are authorized to telework, and report such information on an annual basis to—

''(A) the Chief Human Capital Officer of such agency (or, if the agency does not have a Chief Human Capital Officer, the head of such agency), and

''(B) the Director of the Office of Personnel Management, for purposes of preparing the reports required under section 6505(a), except that this subparagraph shall not apply with respect to the Government Accountability Office;

''(12) ensure that employees are notified of grievance procedures available to them (if any) with respect to any disputes that relate to telework; and

''(13) perform such other duties and responsibilities relating to telework as the head of the agency may require.

''(e) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

**''§ 6505. Evaluating telework in agencies**

''(a) ANNUAL REPORT BY OPM.—

''(1) IN GENERAL.—The Director of the Office of Personnel Management shall submit to the Comptroller General and the appropriate committees of Congress a report evaluating the extent to which each agency is in compliance with this chapter with respect to the period covered by the report, and shall include in the report an evaluation of each of the following:

''(A) The degree of participation by employees of the agency in teleworking during the period. In the case of an agency which is an Executive department, the evaluation will include the degree of participation by employees of each component within the department, including—

''(i) the total number of employees in the agency;

''(ii) the number and percentage of such employees who are eligible to telework; and

''(iii) the number and percentage of such employees who do telework, broken down by the number and percentage who telework 3 or more days per week, one or two days per week, and less frequently than one day per week.

''(B) The method the agency uses to gather data on telework and the techniques used to verify and validate such data.

''(C) Whether the total number of employees who telework is at least 10% higher or lower than the number who teleworked during the previous reporting period and the reasons identified for any such change.

''(D) The agency's goal for increasing the number of employees who telework in the next reporting period.

''(E) The extent to which the agency met the goal described in subparagraph (D) for its previous report, and, if the agency failed to meet the goal, the actions the agency plans to take to meet the goal for the next reporting period.

''(F) The best practices in agency telework programs.

''(G) In the case of an agency which is named in paragraph (1) or (2) of section 901(b) of title 31, the extent to which the agency incorporated telework in its continuity of operations plans and used telework in response to emergencies.

''(2) MINIMUM REQUIREMENT FOR COMPLIANCE.—For purposes of the reports required under this subsection, the Director shall determine that an agency is in compliance with the requirements of this chapter if the Director finds that the agency—

''(A) reported the requested data accurately and in a timely manner; and

''(B) either met or exceeded the agency's established telework goals, or provided explanations as to why the goals were not met as well as the steps the agency is taking to meet the goals.

''(3) REPORTING PERIOD; TIMING.—The Director shall submit a report under this subsection with respect to the first 1-year period for which the regulations promulgated by the Director under section 6503(b) are in effect and each of the 4 succeeding 1-year periods, and shall submit the report with respect to a period not later than 6 months after the last day of the period to which the report relates.

''(4) EXCLUSION OF GOVERNMENT ACCOUNTABILITY OFFICE.—The Director shall not submit a report under this subsection with respect to the Government Accountability Office.

''(b) REPORTS BY COMPTROLLER GENERAL.—

''(1) EVALUATIONS OF REPORTS BY DIRECTOR OF OPM.—Not later than 6 months after the Director submits a report under subsection (a), the Comptroller General shall review the report and submit a report to the appropriate committees of Congress. The report shall evaluate the compliance of the Office of Personnel Management and agencies with this chapter and address the overall progress of agencies in carrying out this chapter, and shall include such other information and recommendations as the Comptroller General considers appropriate.

*''(2) REPORTS ON GOVERNMENT ACCOUNTABILITY OFFICE.—The Comptroller General shall submit a report with respect to the Government Accountability Office in the same manner and in accordance with the same requirements applicable to a report submitted by the Director with respect to any other agency under subsection (a).*

*''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—*

*''(1) the Committee on Oversight and Government Reform of the House of Representatives; and*

*''(2) the Committee on Homeland Security and Governmental Affairs of the Senate.''.*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:*

***''65. Telework ..... 6501''.***

*(2) Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, as contained in the Consolidated Appropriations Act, 2005 (5 U.S.C. 6120 note) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer or designate the Chief Human Capital Officer or other career employee to be''.*

***SEC. 3. POLICY GUIDANCE.***

*Not later than the expiration of the 120-day period which begins on the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue policy guidance requiring each Executive agency (as such term is defined in section 105 of title 5, United States Code), when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.*

***SEC. 4. AUTHORITY FOR TELEWORK TRAVEL EXPENSE TEST PROGRAMS.***

*(a) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:*

***''§ 5711. Authority for telework travel expense test programs***

*''(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.*

*''(2) Any test program operated under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.*

*''(3) Under any test program operated under this section, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.*

*''(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.*

*''(b) The Administrator shall transmit a description of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of the Congress at least 30 days before the effective date of the program.*

*''(c)(1) An agency authorized to conduct a test program under this section shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.*

*''(2) The results in a report described under paragraph (1) may include—*

*''(A) the number of visits an employee makes to the pre-existing duty station of that employee;*

*''(B) the travel expenses paid by the agency;*

*''(C) the travel expenses paid by the employee; or*

*''(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.*

*''(d) No more than 10 test programs under this section may be conducted simultaneously.*

*''(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Improvements Act of 2010.*

*''(f) In this section, the term 'appropriate committees of Congress' means the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.''.*

*(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:*

*''Sec. 5711 Authority for telework travel expense test programs.''.*

***SEC. 5. TELEWORK RESEARCH.***

*(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—*

*(1) conduct studies on the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal government;*

*(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, the environment, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and*

*(3) make any studies or reviews performed under this subsection available to the public.*

*(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) pursuant to a contract entered into by the Director using competitive procedures.*

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the Federal workforce, postal service, and the District of Columbia, I'm pleased to offer H.R. 1722 for consideration. This legislation seeks to improve and expand access to telework for Federal employees in the executive branch.

The bipartisan measure before us today was introduced by Congressman JOHN SARBANES of Maryland, along with myself and Representatives FRANK WOLF, GERRY CONNOLLY of Virginia, JIM MORAN of Virginia, DUTCH RUPPERSBERGER of Maryland, and DANNY DAVIS of Illinois back in March 2009. The bill was then amended and ordered reported favorably by our subcommittee on March 24, and again shortly thereafter by the Oversight and Government Reform Committee on April 14, 2010.

□ 1350

Madam Speaker, despite the evolving nature of the way the Federal Government conducts its affairs, telework, which allows an employee to regularly perform work from a remote location other than their usual workplace, continues to be underutilized by Federal agencies. Experience has consistently demonstrated that the private and public sector employers who utilize telework experience increased productivity and retention rates. More specifically, the U.S. Patent and Trademark Office and the Defense Information Systems Agency have successfully used telework programs, which shows potentially how telework can transform and enhance agencies' customer service offerings for our citizens and do so with greater efficiency and lower costs.

H.R. 1722 provides for improvements to increase the number of Federal employees that participate in telework programs by requiring agencies to develop comprehensive telework policies within 1 year that allow authorized employees to telework and by directing the Office of Personnel Management to develop regulations on overall telework policies and to annually evaluate agency telework programs.

H.R. 1722 also seeks to elevate the importance of incorporating telework into the continuity of operations planning for our Federal agencies. For example, Office of Personnel Management Director John Berry estimated that the use of telework reduced the estimated cost of lost productivity during the recent snowstorms this past winter in the District of Columbia by approximately $30 million per day.

I urge my colleagues on both sides of the aisle to vote in favor of moving telework forward by passing H.R. 1722, the Telework Improvement Act. This legislation has long enjoyed bipartisan support in the Oversight Committee and in the House over several Congresses and will help ensure the government operates more efficiently and effectively as a modern-day employer.

With that, I reserve the balance of my time.

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

Madam Speaker, I rise with serious concerns with H.R. 1722, the Telework Improvement Act. This began as a bipartisan bill, and if our one opportunity, a motion to recommit, is passed, it will have an opportunity to end as a bipartisan bill. There is no

question in my mind that telework is the future. It, in fact, is the present. Virtually every Member of Congress has remote access. Virtually every Member of Congress and many of their staff carry BlackBerrys and use other tools so that we can work here and around the world. It would be just about impossible for a Member of Congress and their key staff to bounce back and forth between their far-away districts, here on the Hill, and various meetings if we didn't have the ability to be portable in our information access. So we are not here to talk about telework as though it is a bad thing, because it can be an extremely effective tool.

We do have concerns. One of our specific concerns in the underlying legislation is, at a time in which we're borrowing nearly 40 percent of the operating cash of our government—put in another way, once you get past entitlements, everything we spend is borrowed—it would seem ridiculous that something that can save money, that is argued to save money, in fact, is not required to be at least neutral in its expenditure. This bill is expected to cost millions of dollars per year and, like most government estimates, is likely to cost far more than that if it's expanded to its logical conclusion.

So, Madam Speaker, it is my hope that as we begin offering what we were not allowed to offer under the rule, which would be any amendments that would curtail the millions of dollars in costs over 5 years or to deal with the reality that if you're going to claim that you can save the construction of office buildings, you should be required to show that you are saving it. If you claim that you are going to be more efficient by not having a commute time, you should at least be required to show it. Additionally, we are very concerned that recent discoveries have shown that there are vulnerabilities which have not been properly cared for in this bill. The bill authorizes it but does not require it.

I am, however, pleased that in a number of areas, the majority has made improvements and has taken many suggestions. The committee did work, as you would expect us to, in favor of the efficiency and effectiveness of the Federal workforce in getting this bill as far as we could go. It is my sincere hope that one and only one opportunity to further amend would be accepted and that this will be a broadly bipartisan bill at the end.

I reserve the balance of my time.

Mr. LYNCH. I thank the gentleman for his remarks.

GENERAL LEAVE

Mr. LYNCH. For the record, Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks with respect to H.R. 1722.

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

There was no objection.

Mr. LYNCH. I would now like to yield 5 minutes to the lead sponsor of this measure, Mr. SARBANES of Maryland.

Mr. SARBANES. I thank the gentleman for yielding, and I want to thank him for his work in shepherding this through the process of bringing it to the House floor.

Madam Speaker, I am delighted that we are going to be voting today on the Telework Improvements Act of 2010, a bill that I introduced some time ago with bipartisan cosponsorship. And I want to acknowledge Congresswoman NORTON, who is here, Congressman DAVIS, Congressman CONNOLLY, JIM MORAN of Virginia, and other cosponsors.

I do also want to salute the fact that we had bipartisan support for this from the outset—Congressman WITTMAN, SHELLEY MOORE CAPITO and, of course, FRANK WOLF, who has really been a leader on this issue from the get-go. He was working on telework before I even came to Congress and understood what a valuable contribution telework could make to our Federal workforce and its productivity.

What this bill will do is expand the Federal telework policy, which was begun in a nascent way. There was just a survey done that indicated about 10 percent of the Federal workforce is now teleworking at least 1 day a week, but it can take that up to the next level by establishing a policy across our Federal agencies that promote telework and make it clear to employees how they can go about taking advantage of that opportunity. It would instruct the Office of Personnel Management to develop telework regulations, a uniform governmentwide telework policy for Federal employees. And that's important because, if you look at the different agencies, some of them have been very successful in pushing telework forward. Others have not been as attentive to it.

What this is going to do is it's going to establish an expectation to cut across our Federal workforce and encourage this opportunity. Critical to that is to designate a telework managing officer within each agency who takes responsibility, who has accountability for making sure that the telework policy is being distributed broadly within that agency, is helping to evaluate it, make sure that it's working properly.

There will be greater access provided, as a result of this bill, to telework training and education to more employees and supervisors. And the Office of Personnel Management is also going to make sure, in cooperation with the Government Accountability Office, that there's a periodic evaluation conducted so that we can see how this telework policy is advancing forward.

So these are some of the key elements of the bill that is on the floor today. I'm appreciative that Congressman ISSA recognizes the inherent value of pursuing telework. And as I said, we did have bipartisan support at every step along the way.

Why is it important to do teleworking? I would say this is a win times five when you look at. First of all, it's going to help the Federal workforce recruit better out in the market. The private sector is doing this, and they're recruiting people, using this as an opportunity for more flexible work arrangements. The Federal workforce should be doing the same thing.

It will help to improve productivity and morale among the workforce. Those agencies that have taken full advantage of teleworking have shown that productivity has been enhanced within their agency.

□ 1400

And, frankly, it leads to more of a culture of looking at performance and delivery of important functions in the workplace, so that you're seeing that productivity rise, not just among those who are teleworking, but across an entire agency where teleworking is being implemented in a meaningful way.

At one point in the evolution of this legislation, we actually were going to attach it to an energy bill because it will have the effect of reducing the carbon footprint of the Federal Government. People won't need to be in their cars as much going back and forth to work if they can take advantage of teleworking opportunities to some extent. So that's a third win here.

A fourth win, very important, is the continuity of operations. We've seen situations where the Federal Government may be forced to shut down. If you've got telework in place, you can continue to run the operations of these agencies, even in that situation. And the best example of this we had this past winter was when we had a snowstorm that shut down the Federal Government, except 30 percent of the work force was able to engage in their operations.

Mr. ISSA. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF), one of the cosponsors of the bill.

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

Mr. WOLF. Madam Speaker, I rise in strong support of the bill. But let me just say, Mr. ISSA said that the Republicans wanted to be part of this. And I think we've got to start doing things in this institution in a bipartisan way. Quite frankly, I skimmed the motion to recommit, and it looks like it's pretty good. So the more we can kind of work together, the better, the better it will be for all of us. And so I appreciate the gentleman giving me this time.

I've been involved in this issue for a number of years. IBM—in fact, many times I hear Members on both sides say we should be more like the private sector. IBM has 115,000 employees every day teleworking. And if you want the government to be like the private sector, allow the Federal employees to do

the same. And it saves them roughly $450 million a year.

There's nothing magic about strapping yourselves into a metal box and driving 25 and 35 miles a day to a place and sitting before a laptop when you can do it at home.

Simon and Garfunkel, in the song called ''The Boxer,'' says: ''Man hears what he wants to hear and disregards the rest.'' This Congress on both sides many times only hears what it wants to hear and more often than not disregards the rest.

Let me tell you, 9/11, if you were here on 9/11, nothing worked. If you couldn't have teleworked, or if we had more telework, we could have had a continuity of government. The government shut down. It shut down. Would you rather have somebody not working at home and getting paid or working?

Secondly, the earthquake in California, the so-called World Series earthquake. Do you remember that? Norm Mineta was Secretary of Transportation. That's when telework really took off, because had they had to go into work, the people of California wouldn't have had highways. They wouldn't have been able to get search and rescue people there.

Continuity of government. Hurricanes. Has anyone ever heard of Katrina?

You want to shut down the government in the South, Louisiana and Texas, and say go home and we'll pay you? Or do you want them to telework at home, where they can do, where they can get and connect to a Veterans Administration, someone's who's having a difficult problem, maybe some who has prostate cancer: How can I connect? How can I get my treatment?

Telework. Telework makes all the difference in a tornado. As tornadoes hit and destroy, telework gives you that ability to do it.

Continuity of government, saving money. So man hears what he wants to hear. But what you're disregarding, this is important. This is a good ''yes'' vote for continuity of government. This a good ''yes'' vote so you can serve your constituents. This is a good ''yes'' vote if you really want to save money. The vote to save money today, the vote that will save money will be the vote for this bill.

I want to thank, again, Mr. ISSA. And I would urge you, Mr. Chairman, if you can take—I think the motion to recommit has a lot of good things. But I think it's more important that we come together and find some things that we can come together and work in a bipartisan way.

But for continuity of government and to save money, I ask for a ''yea'' vote on this bill.

Mr. LYNCH. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TOWNS), the full committee chairman, energetic and wise chairman of the Oversight Committee.

Mr. TOWNS. Let me thank you, Mr. LYNCH, for the hard work that you have done on this bill.

And let me begin by saying to the other side, I hope we're talking about the same legislation here, because in the committee, the only—as I remember very vividly—the only amendment that was offered was accepted. We accepted the amendment. And of course, the committee voice voted the legislation out.

Now I hear about this motion to recommit. And I understand working together. I do believe in that, and I think you accomplish a whole lot more when you do that.

But the point is, we have not even seen the motion to recommit. So, therefore, you're talking about working together and sharing information but, at the same time, you're withholding information. That, to me, I find very, very strange.

This is a committee that would welcome ideas and suggestions. But the point is that we can't go through a whole process and then, at the end of the process, you complain about the fact that I did not have an opportunity.

I want you to know that we recognize the importance of amendments, and if they strengthened the legislation we would have accepted it.

So I want to thank all the folks that worked on this. And it seems hard, I understand now, to imagine with the sweltering summer heat that has arrived, but during February's record-breaking snowstorm, the Federal Government in the D.C. area shut down for nearly an entire work week. We now have almost forgotten that. The government's lost productivity was significantly reduced because so many employees were not able to get to work. After the storm, OPM Director John Berry reported that the government saved approximately $30 million—and I repeat that—saved almost $30 million a day in the productivity costs because of the growing number of teleworking employees. H.R. 1722 will help the government do even better. And I think that we should not lose sight of that.

The legislation builds on the government's current telework capability and will strengthen it by requiring the head of each agency to establish a telework policy. The legislation also holds agencies accountable for successful implementation of their telework policy.

I should note that similar bipartisan legislation sponsored by Senator DANIEL AKAKA and, of course, GEORGE VOINOVICH, passed the United States Senate by unanimous consent as well.

I am pleased to offer my support for this bipartisan, good-government bill that will save the taxpayers money while reducing energy consumption, air pollution, and traffic congestion. It will promote more flexibility for Federal employees and allow the government to attract top talent from every State and every district in the country.

This is win-win-win legislation. I urge all Members to support the bill.

And of course I say to my colleagues, let's move forward. Let's not look back. Let's move forward. We know what we need to do.

And of course, again, let me say that any amendment that was offered was accepted.

□ 1410

Mr. ISSA. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Speaker, I would like to thank Ranking Member ISSA for his great work on this bill. I appreciate your words and Congressman WOLF's words concerning the things that we need to do. Telework is a nonpartisan issue. It just make sense. It's how do we create efficiencies? And these days we want to be able to do more with less in what is definitely a resource-challenged environment.

Despite the fact there are numerous benefits of teleworking, such as reduced traffic congestion and reduced energy consumption, cost savings, competitive hiring and retention, and emergency preparedness, as we saw during the snowstorm, many Federal agencies continue to underutilize telework. And this bill is going to help ensure that Federal employees who are eligible to telework are able to do so without diminishing agency operations and performance.

Under this legislation, Federal employees handling classified information, though, would not be eligible to telework. And folks, that's a group of people that we are missing out on. There's a great opportunity there to bring those folks that work in secure networks to the table to participate in telework. And I offered an amendment that was rejected by the Rules Committee that would have required the Office of Personnel Management to report on the status of any programs for teleworking by Federal employees whose primary duties require access to secure networks, and to identify at least two sites for a possible teleworking pilot program. And I look forward in the future to working with my colleagues to further explore the potential for secure teleworking.

We all know in this region there are a number of agencies that have their employees working on secure networks. We ought to make sure we are looking at bringing those folks in. We saw during the snowstorm $30 million of efficiency we picked up during that period of time. So this truly is a nonpartisan issue of looking at increased efficiencies. We ought to be looking across the board at all the ways that we can lift telework up, make it available for every different aspect of Federal work operations to make sure we are doing all we can to increase efficiencies, folks. And this is entirely possible.

We have had conversations with folks within the agencies. They are ready, willing, and able to pursue this. We need to give them the mechanism to get this done. The desire is there. The need is there. Whenever we match

those two together, we have the ability to get this done. So again, this is a nonpartisan issue. I urge all of my colleagues to vote in favor of this, and let this be the first step to making sure we have telework as an opportunity for the entire Federal workforce.

Mr. LYNCH. Mr. Speaker, I want to thank the gentleman from Virginia for his thoughtful comments.

At this time I yield 1 minute to our distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I want to thank Mr. LYNCH and certainly my colleague from Maryland, Congressman SARBANES, for his leadership and for his efforts on this bill. I also want to thank those members of the subcommittee and Mr. ISSA for facilitating this bill coming to the floor.

I have been working on this issue along with FRANK WOLF for a very long time, indeed over two decades. Congressman WOLF and I, Congressman WOLF from Virginia, a Republican, and myself served on the Treasury and Postal Committee, which is now called the Financial Services Subcommittee of the Appropriations Committee. That committee many, many years ago, and interesting enough John Berry, who is now the director of the Office of Personnel Management, was on my staff at that point in time. And we worked on this issue of telework, which makes so much sense for so many reasons. It saves gas. That's an important issue. It helps the environment in doing so. Reduces road congestion, lowers commuting costs for all drivers, helps employees balance work and family, and saves employers money.

Now, let me speak about the family aspect of this. Think to yourself the average commuter certainly in the Washington metropolitan area spends some 35 minutes on the road. If you are in my district, you spend 45 minutes to an hour on the road. Mr. CONNOLLY is shaking his head. Many of his constituents do the same. The gentleman from Virginia is in the same aspect. Think of that time that is not necessarily very productive, but could be family time. And a less stressed-out worker could be performing their services, when now we deal with so much work being done from a technology aspect where you don't need to be at a given site. That is what this legislation seeks to enhance.

And again, I congratulate Mr. SARBANES from my State for his leadership and for the bipartisan leadership. It would bring flexibility to 21st-century Federal workers by creating guidelines for increased teleworking, or telecommuting as some call it.

With today's technology, many employees perform at least some of their work, and indeed some all of their work, functions at their homes or at an alternate worksite closer to their homes, eliminating or reducing the need to commute. That's what the gentleman from Virginia was talking about in terms of a secure site, which could be—we had one in Prince Frederick. We have one at the community college in Waldorf, Maryland. I don't know whether they are secure sites. I think they are not. But a secure site for a group of employees who need such a secure site closer to their home effects all of the same kinds of efficiencies that I have talked about.

That's why this bill is such an important encouragement to the Federal Government, one of the world's largest employers, to effect this efficiency. It is also I think a lesson that we have learned from the private sector, many of whom telecommute or telework. Many insurance agencies, when you call your insurance agent for information, you have no idea where they are sitting, and don't care. All you want to know is that they respond to the question you have and can access the information you need, which of course they can do on their computer. So this is a very effective, efficient, family friendly, environmentally friendly action for us to take.

I commend Mr. SARBANES, Mr. LYNCH and the committee for their leadership on this, and I commend Mr. ISSA as well for his leadership.

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

The chairman and the majority leader both make good points, and I would like to address them for just a moment. The chairman, who I have had a good working relationship with, made the point that this passed out of committee without anything left unresolved. And to a certain extent I would agree with him. Except of course we didn't have a score on this. We never do. We didn't know what this bill was going to cost. And when we discovered that this was going to cost millions of dollars every year, we made it clear before the last round of a request for a vote that we would have to find an offset or we would have to modify the bill to ensure that it would not cause the taxpayers to look at this as simply a perk for government.

Because ultimately we can talk about morale, but the Federal workforce makes on the average $60,000 more than their private-sector counterparts. So morale should already be good in an organization the size of the government that has added a quarter of a million new workers since we went into a recession.

There is no question that telework can justify this if it's done properly. Our amendment is going to seek, our one motion to recommit—we weren't allowed any amendments—to try to at least trim around the edges to have our Members be able to go home and say of course we supported telework, but we made sure there were some safeguards of the American people's money.

The amendments that we tried to offer to what was known in advance to be a closed rule, a please do not suggest, create a process problem that I hope, Mr. Speaker, that you will be sensitive, along with the American people, to. Our committee has 40 or so members. That's roughly one-tenth of the Congress. So 9 out of 10 Members of the House never get an opportunity to be there. As a matter of fact, including the Delegates, it works out just exactly as 10 percent. So 400 people didn't have input when we were working this through committee.

Some may have noticed the bill, but as the majority leader said, he has been working on this for 20 years. Who would have thought it would come to the floor now? So can we as a body deny the process of 400 people, 400 voters, if you will, or representatives of voters, including yourself, Mr. Speaker? How can we deny you the ability to look at something when it's going to become a bill on the floor and offer constructive amendments?

The process of the Rules Committee is supposed to deal with germaneness. It's supposed to deal with whether or not your amendment is properly written, whether it seeks to amend a portion of the bill allowed to be amended. That's not the way it is here in the House right now. We had amendments perfectly allowable, and they simply were ruled out because you could. So we will use our one opportunity, our motion to recommit. We trust that we have written it properly, and that it will be found to be in order. And we trust that both sides will see that it is modest, it's moderate, it's intended simply to deal with cost and other concerns in the bill.

There is no killer in this bill. There's nothing the American people would not be happy with in this bill the way it is. And there is nothing they will be unhappy with if the motion to recommit passes. We structured it that way. We would like to have something that started off as bipartisan end as bipartisan.

Mr. Speaker, I truly believe we are going to have that opportunity. I would hope that everyone in this body will view it that way, look at it carefully, come to the same conclusion, and we will leave here today on a bipartisan basis.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I just want to ask for a clarification, did the gentleman say that the Federal employees make an average of $60,000 more than their counterparts?

Mr. ISSA. If the gentleman would yield, that's correct.

I'm sorry, Mr. Chairman. It's pay and benefits.

□ 1420

Mr. LYNCH. Sixty thousand dollars more.

Mr. ISSA. At $175,000, one Congressman to another, yes. The typical American making $35,000 or $40,000 understands we make a lot more.

Mr. LYNCH. The typical Federal employee makes $60,000 more?

Mr. ISSA. In pay and benefits.

Mr. LYNCH. If the gentleman would produce some type of—that fact's not

in evidence at all. I'm sure that we have kids that are working for $30,000, $40,000 a year. How are they making $60,000 more than their counterparts?

Mr. ISSA. Even though it's not germane to today, I'll be glad to make that available to the gentleman.

Mr. LYNCH. Mr. Speaker, at this time I yield 5 minutes to the gentlelady, Congresswoman ELEANOR HOLMES NORTON, from the District of Columbia.

Ms. NORTON. I thank the gentleman from Massachusetts for yielding, but I particularly thank him for his leadership on many issues in our subcommittee, not the least of which is this issue which he has shepherded to the floor so rapidly. And I certainly want to thank Mr. SARBANES, add my kudos to those he's already heard from the leadership, what he has shown when he was a member of our subcommittee.

Mr. Speaker, this bill does nothing more than give us a presumption in favor of teleworking, and I believe that's the most important thing the bill does. You have heard we have been doing something called teleworking for decades, but that was whatever agency chose to move forward, whatever employees chose to participate.

I can't imagine what the ranking member is talking about when he says millions of dollars this is going to cost the Federal Government. Mr. WOLF, from his side, essentially rebutted that by getting up and talking about how much money it saved and citing examples.

Let me cite an example of something that is almost intuitive. I had occasion to speak to a practitioner, small practitioner, and he was glowing about how his practice has, in fact, developed and expanded. He didn't have to have an office anymore. He has a tiny hole on Tenth Street, and he's got about 15 lawyers working out of their homes.

In a real sense, the Federal Government is behind. There is no case to be made that when you allow people to work at home, you somehow are costing the government more money. Perhaps it costs a few dollars in administrative costs, transaction costs to set up the system, but anybody from the private sector hearing a Federal official get up and say, ''Oh, we're going to teleworking and boy is that going to cost us an arm and a leg'' will scratch his head and say, ''What is he talking about? Don't they know this is one of the first and most important things the private sector has done, invested money in doing, precisely to save money?'' They look at the bottom line. That's the conclusion they reached long before today.

When I speak of the presumption in favor of telework, notice that an agency has a 20 percent goal every 2 weeks of doing telework. We wouldn't have set that goal if they were already doing it. And the fact that you have to do it gives us a some uniformity across the government, and with the appropriate exceptions allows many, many workers, many, many employees to buy into what has now become essentially a workforce practice everywhere with a workforce as large as ours.

The bill, it's very careful. Managers are going to have to be trained. Many are old-school managers. They do not know perhaps as well do I feel instinctively as at home with employees under their supervision who telework. They're going to have to learn how it's done. And importantly, teleworking, as opposed to coming in, does not affect your job performance evaluation. So people are not going to have to think, if I'm in the boss's face for 8 or 9 hours a day, I've got to do better than this mother who is at home and producing as much work as I do.

Continuitive operations has been talked about here.

Post 9/11, the closest thing we have even had to continuity of operations is the kind of teleworking that goes on anyway in the Federal Government. Everybody in the Federal Government at certain levels does teleworking. They take their work home. Employees have been voting with their feet. Managers have been allowing them to vote with their feet and take the work home.

The flexibility, we cannot say enough about the flexibility. We're in an era where fathers and mothers feel responsibility for their children and where, because they are adept at technology, they are able to get as much done and more done. They're doing it at home rather than spending what in this region could easily be an hour or so back and forth each way.

Everybody teleworked in the snowstorm. There weren't a lot of people just sitting at home. We are doing it anyway. We are just not doing it systematically. We are doing it episodically. Doing it that way, we are, in fact, wasting money. Let's, in fact, save money by making sure that as many as are capable are doing what they can given the new technology.

Mr. ISSA. Mr. Speaker, I note the gentlelady acts as though already everybody teleworks. It's very clear that the people who were able to telework, that, quote, saved us $30 million during that snowstorm, were the people who have redundant activities, for the most part, people who had a duplicate computer, duplicate capacity. That costs money. That is an item that we simply want to make sure is cost justified.

You know, many people on the other side of the aisle, including the next speaker, have talked about the private sector. Well, I, for one, came from the private sector, and I very much understand that we do a cost benefit.

The previous speaker talked about insurance salesmen. You don't care where they are. That's right. An insurance salesman is usually a commission person. It's somebody who's very accountable for their pay because it's earned and justified against revenue. More importantly, even their package of perks is figured into that.

So, in the private sector, if somebody costs, if you will, $190,000 dollars—or as the average Federal worker costs, nonuniformed, $119,000 per worker versus $59,000 in the private sector—in the private sector they know what their sales or revenues or profits are relative to that cost. In the public sector, we don't.

All we're seeking to do, all we're talking about here today is we want telework to be used and rolled out extensively where it can be at least revenue or cost-neutral relative to alternatives of bringing people in. That's all we're asking for. We believe it's reasonable.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I do want to note that we do have one study here that I think is probably the most extensive one done on comparing private sector jobs to Federal jobs, and that is by the Bureau of Labor Statistics, and they compared occupation to occupation. They took an engineer in private sector versus an engineer working for the Federal Government, and they have reported that Federal employees are paid 22 percent less than their private sector counterparts.

At this point, I yield 5 minutes to an energetic and diligent member of our subcommittee, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, I thank my good friend and colleague from Massachusetts (Mr. LYNCH) for his outstanding leadership on this and so many other issues on the Oversight and Government Reform Committee. I also thank the ranking member, Mr. ISSA, for his friendship and his leadership on our committee as well.

□ 1430

I particularly want to thank my colleague from Virginia (Mr. WOLF) who's been a long-time leader in telework, and my colleague and friend from Maryland (Mr. SARBANES) for his leadership on this legislation. Without that leadership, we wouldn't be here today and relief wouldn't be on the way to our Federal workforce and hard-pressed commuters in the national capital region.

Mr. Speaker, before I came to Congress, I represented a major jurisdiction in the national capital region, Fairfax County, for 14 years, the last five being its chairman; and I, like Mr. ISSA, came from the private sector. I spent the last 20 years of my career before coming here working for a number of information technology companies, and I saw firsthand the value of telework in the private sector.

One of the major employers in my district, for example, is AT&T. I went and visited a major facility they have in my district. Thirty-three percent of their workforce teleworks regularly, 33 percent; and their estimated cost savings in terms of reduced absenteeism is $2,000 per employee. So, if we took that kind of statistic and superimposed it

on the Federal workforce, we would obviously save a lot more than whatever the implementation costs of this bill might be.

I believe, like my colleagues who have spoken before, this is critical. This is critical for Federal operations. Every Federal agency now needs to have a continuity of operations plan in place; and in the national capital region, tragically, that is underscored.

FRANK WOLF, my colleague from Virginia, talked about 9/11. He was here in Congress while I was a supervisor in Fairfax County. My office was in the fire station, Fire Station 30 in Merrifield, and my men and women in that fire station were backup to the Arlington Fire Department at the Pentagon the day it was attacked, the second worst terrorist attack in American history. And I saw what they went through, and I know what happened to this region that day. A continuity of operations plan, if we needed a reminder, a tragic reminder, of how critical that is to our national security, 9/11 was it.

Subsequently, we've had lots of natural events here in the national capital region that have further reminded us of how important it is that the largest single employer in our region, the Federal Government, have a vigorous telework program in place because, without that, there is no continuity of operations plan of any meaning.

So for national security reasons and in service to the taxpayers we serve through the Federal agencies, we must have a vigorous telework program in place.

In the national capital region, if we could reach 20 percent of our daily commuters of 2.5 million people teleworking at least 1 day a week, we could take 4 to 6 percent of the cars off the road every day, improving air quality, improving congestion, and improving productivity. The Federal Government being the largest employer has a special responsibility. I mentioned AT&T has 33 percent teleworking in its workforce. The average in the Federal Government ranges from 6 to 10 percent, far below what the private sector is, in fact, doing. We can and must do better. The Federal workforce lends itself to telework in some ways that are unique to the Federal workforce, and we know the benefits.

We've heard some arguments here that only 10 percent of the Congress sits in the Oversight and Government Reform Committee, and, therefore, we need more time to make sure that we can examine this legislation and its costs. I will argue there are no net costs to this bill. I would argue that this bill has been scored before in many incarnations, in legislation that was before the previous Congress and voted on, in legislation in the other body. So it's not like we didn't know, and we know that the productivity gains and savings are considerable but more than wipe out any potential implementation costs. Whatever costs there are can and will be absorbed by the implementing Federal agencies, and we know that. That ought not to be an excuse for inaction.

This is something that can bring us together on a bipartisan basis. I do find it a little ironic, however, to hear about the need to come together and maybe we can use the motion to recommit to do that when our side of the aisle has not seen the motion to recommit, and obviously we can't buy something in the hopes that it's going to do something positive, and I would urge my colleagues to share the motion to recommit so that perhaps we can come to common ground on that.

But at the end of the day, this legislation is critical to the future workforce of the Federal Government and, frankly, for the national security of the national capital region.

Mr. ISSA. Mr. Speaker, I yield myself just 1 minute.

Mr. Speaker, my good friend from Virginia was accurate in almost everything he said, but the one part that I'd like to correct is we don't need more time. We had sufficient time, once the scoring was in, to figure out what needed to be changed among the various hundred or so Republicans who were not on the committee, and we offered them. And the gentleman from Virginia is not on the Rules Committee so he's not part of that hidden hand that simply doesn't allow any dissent or any amendments or any corrections once a decision has been made by the majority. So, you know, I appreciate the fact he has been good to work with and that he is not somebody who would have limited that, and we would be happy to share all of our amendments if we had a chance of having them ruled in.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), who has been a long-time advocate on this issue.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 1722, the Telework Improvements Act. This legislation is similar to a bill I introduced last Congress that passed the House with bipartisan support by voice vote. Unfortunately, the Senate never acted on that bill so I am pleased that we once again have the opportunity to move telework legislation forward with the leadership of Representative SARBANES.

We currently know that telework continues to be underutilized by Federal agencies and improvements are needed to allow more Federal employees to participate in telework programs.

Telework provides numerous benefits including increased flexibilities for both employers and employees, continuity of operations during emergency events—as noted by the massive snow storms that shut down the government during February, yet saved the government an estimated $30 million each day and decreased energy use and air pollution by minimizing the amount of congestion on the roads.

Study after study has shown these benefits to be paramount to making the Federal Government more efficient, productive, and prepared. However, a top information security officer at the State Department recently stated: "the real national security issue is if we had something that disrupted the ability of the Federal workforce to get to the office, could we continue to provide the services of government? I think you'd find that many departments and agencies would have problems." This speaks to the need and importance of the passage of this bill.

In addition, according to a survey of Patent and Trademark Office employees, 80 percent of employees who telework report that the flexibility of working at home has allowed them to decrease the amount of sick leave used by at least 8 hours per year.

Since the 109th Congress, my office has aggressively participated in the Telework program and created a more worker friendly environment for our working families.

The attributes of teleworking alone allows greater flexibility for these parents while increasing a better work attitude and work product. I encourage all Members of Congress to get more involved in the Telework program in the future as we move to make a more efficient and productive government.

I am pleased to join Representative SARBANES in supporting H.R. 1722.

Plus, we've heard the tremendous cost savings that exist, as well as the anti-pollution measures that take place, but I feel very fortunate in my office to have had individuals who have effectively used telework, I guess to the nth degree; and it has proven to be not only cost savings, but it also has provided them the opportunity to spend time with young children, with their families to the extent they needed to do. This gives us an opportunity to recruit the best and the brightest and have them be productive. It is a great measure. I am pleased to support it.

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

As I begin, my staff is bringing over to the chairman a copy of something I am going to include in the RECORD from the Bureau of Economic Analysis, Department of Commerce. The chairman may recognize the Department of Commerce is part of the administration and part of government.

Their assessment in 2008—and it has only become greater—is that we have as Federal workers against average—this is not against average of job per job but just against the working stiff, whatever they do in the outside world versus the working stiff in government, $29,169.63 of additional wages. What makes the huge difference the American people don't always see is that in the private sector, a typical benefit package is about $9,881. Well, a civilian Federal Government employee has a benefit package on the average worth about $40,784 or $30,900 more.

So, Mr. Speaker, we do have the Department of Commerce currently, during the Obama administration, telling us very clearly—not that engineer versus engineer. I appreciate the way

you can match up various jobs, but the Federal workforce is a highly skilled and highly paid workforce, and we should understand that if we are going to have telework go greater and greater—and I approve of it doing it—we have two reasons to do it.

One is continuity of government, and sometimes continuity of government can cost more. It can be for redundant computers, redundant centers and so on, no question at all. But often it is, and as it is justified in this bill by many of the people speaking on it on both sides of the aisle, it is also about avoiding traffic, avoiding building new buildings, avoiding heating and air conditioning, avoiding costs. All the minority would like to make sure is that this expansion meets one of those requirements or the other. If it is necessity and it costs more, fine. Of course you can have redundant facilities; but if it is intended to be cost savings, let's make sure it's cost savings.

I reserve the balance of my time.

□ 1440

Mr. LYNCH. Mr. Speaker, I thank the gentleman for the sheet, but I do want to note this does not compare job-to-job, nor does it indicate that there is anything close to a $60,000 delta between the private and the public employee.

I yield 1 minute to the gentleman from New Jersey (Mr. SIRES), who also has been an energetic worker on this issue.

Mr. SIRES. Mr. Speaker, I rise today in strong support of H.R. 1722, the Telework Improvements Act of 2010. This bill will modernize the Federal Government and establish our Federal agencies as a model for telework.

During the month of February, when snowstorms shut down D.C. and other parts of the east coast, telework was used to keep our government operating at an optimum level. However, according to the Office of Personnel Management, only 56 percent of government agencies have formally introduced telework in their continuity of operations plans.

Teleworking benefits are economic, social, and environmental. The Congressional Budget Office scored this legislation as deficit neutral, and telework produces savings from reduced office space as well as increased productivity during emergencies in inclement weather.

H.R. 1722 would allow employees more flexibility and create a higher quality of life. Also this legislation would reduce traffic congestion. Traffic congestion costs our Nation billions of dollars in wasted fuel, time, and productivity.

Congestion is very prevalent in my district in New Jersey, which is just across the river from New York. However, it also is a problem that is growing in rural areas throughout this country. Transportation contributes nearly 28 percent of the greenhouse gasses emitted in the United States, and teleworking can act as a tool to lower this number.

I urge my colleagues to support the passage of H.R. 1722.

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

Mr. LYNCH. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. A sincere thank you to the gentleman from Massachusetts for his leadership on this issue.

Mr. Speaker, I too rise in strong support of H.R. 1722, the Telework Improvements Act. We have heard articulated today a set of very powerful arguments around security, around productivity and around cost savings for the passage of this measure.

I would like to note that I represent, like my friend from New Jersey, a district whose economic vitality is compromised by the commuting situation. Many of my constituents spend otherwise what could be productive hours looking at the taillights of other cars on 95 and on the Merritt Parkway as it runs through Connecticut.

One additional reason why the Federal Government should lead and why we should pass this act today is that the Federal Government should lead on telecommuting, on increasing not just its productivity, but increasing the productivity of the private sector in places like Connecticut, which I represent.

I am a strong backer of the Telecommuter Tax Fairness Act, H.R. 2600, and a variety of other measures that will help with telecommuting. I appreciate the leadership, and I urge my colleagues to support and pass this bill.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, although we have 12 minutes left on our side in debate, I don't intend to use it. I also don't intend to continue to have the American people hear haggling on the House floor about how much one side gets paid or another. For that reason, I will today post at republicans.oversight.house.gov the Department of Commerce report in sufficient detail for people to realize that $60,072.97 is roughly the additional amount in pay and benefits that Federal employees receive than the average private sector.

But the interesting thing about the Federal workforce versus the gentleman who was talking about commuting from Bridgeport and other parts in his State, is they are not laid off. They are not suffering. As a matter of fact, they have been net-hired. The growth that has occurred over the last 2 years has been in government. The pay increases have been in government. The benefit increases have been in government.

Now, we are not talking about telework as a benefit, although some speakers have talked about family time because you can telework and so on. We are talking about telework for one of two reasons that are justified, and Republicans will today, I hope, vote for the motion to recommit and then vote for final passage, because it either is part of the job of government, the sustainability, the continuity of government, and we want to make sure we use telework in order to advance that, or remote access, if you will, or it saves the taxpayers dollars.

If someone doesn't drive for an hour and they work an hour more remotely, that is a good thing. But if we are simply improving quality of life, having redundant computers at a cost of several thousand dollars plus several more thousand dollars in maintenance and overhead and renewal and software support, Mr. Speaker, we are not doing what the American people expect us to do.

The American people expect us to start being safeguarders of their precious money, which isn't even current but the money we are going to have to take from them in the future to pay back what we are borrowing today.

If we don't start counting the pennies, the nickles and the dollars and make sure they are well spent, then it is very clear we will never get to any kind of an affordable government, a balanced budget, and there will be an inevitably that the United States will look too much like Greece and not enough like the country that we were so proud of this past Fourth of July.

We have a great tradition, a tradition of small government and large private sector. Mr. Speaker, I want to make sure that our government works more efficiently so we can have a smaller government that meets the basic requirements, not that we simply expand government with one after another programs.

With that, I fully expect that we will make this bill better, that we will continue to work on telework being to the advantage of the American taxpayer and not simply an additional item to be spent.

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

Mr. LYNCH. Mr. Speaker, in closing, I again would like to express my strong support for the passage of H.R. 1722, the Telework Improvements Act of 2010. I would like to thank Mr. SARBANES, our lead sponsor on this measure which is before us today, which promotes good and common sense governance policy which will ensure a more efficient, responsive Federal government, especially in times of national security and weather-related emergencies.

Moreover, H.R. 1722 will allow executive branch agencies to act more like other 21st century employers, particularly private sector employers, which for years have utilized and reaped the benefits of telework in terms of increased job productivity as well as employee moral.

I want to paraphrase the words of my Republican colleague, Mr. WOLF of Virginia, who said that the vote for saving money and the vote for cutting costs here is a ''yes'' vote on this measure.

With that, I urge my colleagues to vote in favor of H.R. 1722.

Mr. BLUMENAUER. Mr. Speaker, I am proud today to have the opportunity to support H.R. 1722, the Telework Improvements Act of 2009. I would like to thank Representative SARBANES, Representative LYNCH, Chairman TOWNS and Representative WOLF for their leadership on this legislation and for working to improve the lives of government employees across the country. Giving people the flexibility to work from home, when possible, makes the federal government a more productive and environmentally responsible employer by saving money, decreasing greenhouse gas emissions, decreasing congestion and improving productivity.

Currently only 10 percent of eligible federal employees telework on a regular basis, even though many federal jobs would be well suited to teleworking. 95 percent of federal government employees expressed interest in teleworking, but the majority of these workers said there was not adequate support from their agency to do so. This bill will give federal workers the flexibility to telework when appropriate. There are many private companies, such as Intel in my home state of Oregon, where up to one third of employees telework regularly, and these companies have seen increased employee satisfaction, employee retention, and an average savings of $4,500 a year per employee in transportation costs and time savings.

Unfortunately, teleworking is a case where the federal government has missed the opportunity to lead by example, and now we need to catch up. Federal government employees should be able to take advantage of the same technology for workplace flexibility, time savings, and environmental benefits that private sector employees do.

This winter, the federal government was essentially shut down for a week because of snowstorms. Even with the minimal support in place for teleworking, estimates suggest that the federal government saved $30 million a day, because of teleworking.

Finally, we cannot discuss the importance of telework without looking at the environmental impact. The Telework Exchange estimates that if 20 percent of Americans were to telework, we could eliminate 67 million tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent. More to the point for this legislation, if all eligible federal employees were to telework for two days per week, it would save 2.7 metric tons of pollution each year.

This bill is an important first step, and I would also like to encourage my colleagues to look at the telework provisions in legislation I have introduced. H.R. 3271, Green Routes to Work, is a collection of green commuting tax incentives. The legislation promotes a variety of commuting methods, including transit, bicycling and walking, but it also provides a tax credit for qualified teleworking expenses. I hope that my colleagues will look at Green Routes to Work as another tool to incentivize teleworking.

Encouraging teleworking will help the federal government be a better partner as we look for ways to improve families' quality of life and make all communities safer, healthier and more economically secure. Putting money back in individuals' pockets, saving the federal government money, reducing carbon emissions and reducing time spent in traffic are important aspects of a livable community, and I am proud to support this legislation.

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 1722, the Telework Improvements Act of 2009. I supported this legislation when it came to the House floor earlier this year, and I intend to vote in favor of it again today.

Technology plays an integral role in how our entire country works today. It has made workplace communication more efficient. It has eliminated borders across the globe to allow every aspect of the U.S. economy to flourish. It permits our first responders to stay connected during times of emergency and natural disasters. So many in the workforce already take advantage of the benefits of technology and the federal government should be able to as well.

The Telework Improvements Act will define telework for all federal agencies and establish a policy that authorizes employees to telework. This legislation will reduce the numbers of cars on the road, attract more talent to the federal workforce, and save taxpayer dollars over the long-term.

As a Member of the Intelligence Committee, I'm also pleased this legislation places a priority on ensuring the security of government information. We know all too well the dangers of data breaches, viruses, and cyberattacks to sensitive government information. H.R. 1722 requires the Office of Management and Budget, in coordination with the National Institute on Standards and Technology to issue guidelines for information and security protections for telework.

I applaud the work of Representative SARBANES on this legislation and I urge all my colleagues to support H.R. 1722, the Telework Improvements Act of 2009.

Mr. VAN HOLLEN. Mr. Speaker, as a representative of a district with a large number of federal employees, I rise in strong support of H.R. 1722, the Telework Improvements Act. I want to thank Chairmen TOWNS and LYNCH and Representative SARBANES for their leadership in crafting this important bi-partisan bill.

If passed, this measure will put the federal government on equal footing with many private sector employers and state governments which allow their employees to perform many of their duties and responsibilities from home or at another work site.

The Telework Improvements Act requires each executive agency to establish a policy that enables federal employees to telework in a way that does not diminish employee performance or agency operations, and that ensures that no distinction is made between teleworkers and non-teleworkers for performance appraisal and training purposes.

Having the option to telework will enhance the quality of life for many federal employees and save money for the taxpayers. For example, there is an effort underway to attract more young people to federal government service to offset the growing number of older employees who are retiring. Offering prospective employees the option to telework increases the possibility that those employees with families will join the federal workforce.

Telework also is smart fiscally. According to the Office of Personnel Management, during the blizzard that hit Washington, DC last winter, the government lost $71 million worth of productivity for each day it remained closed. This number might have been far larger had some federal workers not had the opportunity to work from home.

The Telework Improvements Act makes environmental, administrative and fiscal common sense. Increasing telework opportunities for employees of the country's largest employer means fewer cars on the roads as workers commute less; it means lower carbon emissions; it means better quality of life for workers and their families; and, it means reduced costs for taxpayers and higher government efficiency because of lower absenteeism.

I encourage my colleagues to join me in supporting the bill and I urge its immediate passage.

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

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Pursuant to House Resolution 1509, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ISSA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ISSA. I am, in its present form.

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

The Clerk read as follows:

Mr. Issa moves to recommit the bill H.R. 1722 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

Page 5, strike line 11 and all that follows through page 6, line 9, and insert the following:

''(b) LIMITATIONS.—

''(1) CERTAIN EMPLOYEES NOT AUTHORIZED TO TELEWORK.—An employee may not telework under a policy established under this chapter if any of the following apply to the employee:

''(A) The employee has a seriously delinquent tax debt (as determined under paragraph (2)).

''(B) The employee 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.

''(C) The employee received a payment under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) but was ineligible to receive the payment under the criteria described in section 2605(b)(2) of such Act (42 U.S.C. 8624(b)(2)).

''(D) The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year.

''(2) DETERMINATION OF SERIOUSLY DELINQUENT TAX DEBT.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), a 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(i) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code;

''(ii) a debt with respect to which a levy has been issued under section 6331 of such Code upon accrued salary or wages (or, in the case of an applicant for employment, a debt with respect to which the applicant agrees to be subject to a levy issued under such section upon accrued salary or wages); and

''(iii) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

''(B) REGULATIONS.—The Office of Personnel Management shall, for purposes of carrying out this paragraph, prescribe any regulations which the Office considers necessary, except that such regulations shall provide that an individual shall be given a reasonable amount of time to demonstrate that the individual's debt is described in clause (i), (ii), or (iii) of subparagraph (A).

''(3) CERTIFICATION OF SAVINGS.—An agency may not permit employees to telework under a policy established under this chapter unless the head of the agency certifies to the Director of the Office of Personnel Management that the implementation of the policy will result in savings to the agency.

''(4) PROVISIONS RELATING TO CERTAIN CIRCUMSTANCES.—Nothing in subsection (a) shall be considered—

''(A) to require the head of an agency to authorize teleworking in the case of an employee whose duties and responsibilities—

''(i) require daily direct handling of classified information; or

''(ii) are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment; or

''(B) to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head, the employee is needed to respond to an emergency.

''(c) PROHIBITING COLLECTIVE BARGAINING ACTIVITIES WHILE TELEWORKING.—Notwithstanding any provision of chapter 71, any time during which an employee teleworks may not be treated as 'official time' for purposes of the authority to carry out any activity under section 7131 of this title.

''(d) REQUIREMENT THAT PRESIDENTIAL AND VICE-PRESIDENTIAL RECORDS CREATED ON NON-OFFICIAL ELECTRONIC MAIL OR SOCIAL MEDIA ACCOUNTS WHILE TELEWORKING BE COPIED TO OFFICIAL ELECTRONIC MAIL ACCOUNTS.—In the case of any employee who, while teleworking pursuant to a policy established under this chapter, creates or receives a Presidential record or Vice-Presidential record within the meaning of chapter 22 of title 44, United States Code, through a non-official electronic mail account, a social media account, or any other method (electronic or otherwise), the employee shall electronically copy the record into the employee's official electronic mail account.

''(e) RULE OF CONSTRUCTION.—Nothing in this chapter shall—

''(1) be considered to require any employee to telework; or

''(2) prevent an agency from permitting an employee to telework as part of a continuity of operations plan.''.

Mr. ISSA (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. LYNCH. I object.

I reserve a point of order.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Massachusetts' point of order is reserved.

Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. ISSA. Mr. Speaker, this is a straightforward motion. It is a motion that, if passed, will cause the Republicans to vote for this, if not unanimously, virtually unanimously. If we take out the $30 million in cost by insisting that there be reasonable offsets, then we will in fact have fixed one of the problems that was unnecessary in the bill. Additionally, as was so well read by our Clerk just a moment ago, it is very, very clear that there are some small areas but meaningful areas. We do not want the American people to believe that telecommuters are downloading pornography full time the way $200,000-plus executives at SEC, the Securities and Exchange Commission, were doing.

Now, I wanted to include in the motion to recommit that if you're found downloading while telecommuting, you'd be fired, but it turns out, Mr. Speaker, the rules of the House prevent me from offering that. I am not allowed under the rules to insist on behalf of the American people that somebody be terminated if they've downloaded endless pornography while telecommuting. So instead we have simply said in the motion to recommit that if they're found downloading pornography, they can no longer telecommute.

Likewise, on a number of other areas we feel that the American people should know that there is accountability. Accountability as to the Presidential Records Act. Mr. Speaker, as you know, the Presidential Records Act is extremely important. That if somebody is working offsite, we want to ensure that they do not use a Gmail account or in some other way go off system and have that lost for the rest of eternity. It is too important and it is too uniform a law to not make sure it is included in this Act. Additionally, the question of official business.

Now, often motions to recommit include poison pills. This is not one. We wanted to make sure that if there's a union contract in which there's union negotiation or other time allotted—official time—that it not be done clandestinely around telecommuting. The fact is that if a union leader who is also a Federal employee has a right to have so much time spent doing that, this would not stop them, but it would make it very clear that you can't simply be working out of your house and use that as collective bargaining time or other work that would not be manageable.

It's very clear that we were limited in this. This does not fix everything, Mr. Speaker. This does not fix everything I'd like to fix, but it simply makes the bill revenue neutral and in a couple of important areas assures the American people that their taxpayer dollars are not being misused while someone is telecommuting.

With that, I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I want to thank Mr. ISSA for offering this motion to recommit.

Since the stimulus passed last February, the private sector has shed over 3.2 million jobs and unemployment now stands at a staggering 9.5 percent. Now is not the time to give another perk to Federal employees while the rest of America is struggling to make ends meet.

By requiring Federal agencies to duplicate an existing law and spend 20 percent of their official time out of the office and on a mobile worksite, we're costing the taxpayers another $32 million while promoting an inefficient Federal workforce.

□ 1500

I'm proud that this motion to recommit corrects some of these problems. Thankfully, if adopted, this motion will require that each agency must certify to the Office of Personnel Management that the agency's telework program will save money, rather than increase spending. Furthermore, teleworking privileges will not be granted to employees that have been disciplined for poor work performance and behavior, such as viewing pornography on work computers, having a record of being absent without permission, or who are delinquent in paying their taxes.

Finally, Mr. Speaker, I am very proud that this motion will prohibit Federal employees from engaging in union or collective bargaining activities while teleworking. OPM reported that in fiscal year 2008 alone, nearly 3 million official time hours were used in collective bargaining or arbitration of grievances against an employer, equating to over $120 million tax dollars spent on union activities. It's irresponsible, Mr. Speaker, to use these dollars for nonrelated official duties while on official time.

So, Mr. Speaker, this motion to recommit is necessary to save precious tax dollars and ensure the integrity of the Federal workforce. I commend Mr. ISSA for bringing this forward. I urge my colleagues to support this motion.

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

Mr. LYNCH. Mr. Speaker, I rise to claim time in opposition to the motion.

The SPEAKER pro tempore. Does the gentleman continue to reserve his point of order?

Mr. LYNCH. No.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Mr. Speaker, there are a number of points here that I would like to make at the outset, and I appreciate the spirit in which the gentleman has offered these amendments.

Many of the concerns that the gentleman has raised in his motion to recommit have been addressed in the bill.

I would like to begin by saying that right now, with respect to tax delinquency and enforcing the tax laws against Federal employees, we have greater protections right now in place against those Federal employees than exist against any other employee in America today. We have the ability to remove them from their jobs. We have the ability to garnish their wages. We have the ability to demand of them compliance with the tax law that is much more difficult to implement against the average private sector employee. So I do not think that the measures here and the ''seriously delinquent'' category that does not exist under the IRS Tax Code well serves the underlying purpose of this bill.

I do want to say that prohibiting collective bargaining activity while teleworking is also a question of possible violation with other statutes that I believe may be infringed upon by this motion. So I would be very, very concerned about—obviously we were given this motion about a minute ago—well, a couple of minutes ago, so I'm not so sure how that would affect Taft-Hartley collective bargaining rights. But it would appear that they would do a carve-out here for those workers who are teleworking and yet unable to exercise the rights that otherwise might exist in those employees. So I am very, very concerned about that.

I understand the restrictions. Further, the amended version of H.R. 1722 already incorporates language to restrict allowing employees to telework based on previous disciplinary issues that might have been presented.

With respect to the concern raised by my friend and colleague with respect to accessing pornographic sites, I should note that history has shown us that those who rail against weaknesses of the human spirit are usually the very people who succumb to those very weaknesses. But we would certainly agree that that is inappropriate behavior and it should be punished. I tend to think that that is a point of agreement, but I think it's just a matter of how to implement that prohibition.

There is also a difficulty at the heart of this, which is that the gentleman's motion to reconsider requires us to demonstrate a savings now at this level. Here's the problem: We are not in an Appropriations Committee. We have not appropriated any money for this. We don't have the ability to do that. This is authorization. So how are we supposed to know where the break point on savings might be when we don't know, in this forum, how much money might be spent?

Those are structural flaws, I think, in the bill that prevent us from accepting the amendment at this time. However, I understand that some Members may see one or two of these issues as decisive on their behalf, and I would understand and respect the Members' rights to vote as they might on this measure. But because of the issues that I have raised—one, because it creates a level of impossibility for us to demonstrate savings when we don't know how much money is going to be used in implementing this measure. That will be decided by the appropriators. And, as well, we realize that to set this up, in order to establish the teleworking protocols, there will be an expenditure to begin with, but the savings will result at a later time. So I urge my colleagues to vote against this.

I yield back the balance of my time.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1722, if ordered; and the motion to suspend the rules on S. 1508.

The vote was taken by electronic device, and there were—yeas 303, nays 119, not voting 10, as follows:

[Roll No. 440]

YEAS—303

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hodes
Holden
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Turner
Upton
Visclosky
Walden
Walz
Wamp
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—119

Andrews
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hirono
Holt
Honda
Hoyer
Inslee
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kilpatrick (MI)
Kilroy
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pingree (ME)
Polis (CO)
Price (NC)
Rangel
Reyes
Richardson
Roybal-Allard
Ruppersberger
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Stark
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—10

Deutch
Hastings (FL)
Hastings (WA)
Higgins
Hinojosa
Hoekstra
Kagen
Olson
Sánchez, Linda T.
Tiahrt

□ 1537

Messrs. BISHOP of Georgia, FILNER, ELLISON, NEAL of Massachusetts, FATTAH, GEORGE MILLER of California, KUCINICH, GUTIERREZ, FARR, OBERSTAR, STARK, CLYBURN, MEEK of Florida, PAYNE, SERRANO, LARSON of Connecticut, Mrs. DAVIS of California, and Mr. LANGEVIN changed their vote from ''yea'' to ''nay.''

Messrs. ORTIZ, HALL of New York, JACKSON of Illinois, BLUNT, ACKERMAN, WILSON of Ohio, ROTHMAN of New Jersey, HEINRICH, ETHERIDGE, COOPER, CONNOLLY of Virginia, WEINER, MOORE of Kansas, BACA, SCHIFF, Ms. HARMAN, Messrs. GONZALEZ, PASTOR of Arizona, CARDOZA, PERLMUTTER, BISHOP of New York, KIND, and BARTON of Texas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. LYNCH. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 1722, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. LYNCH:

Page 5, strike line 11 and all that follows through page 6, line 9, and insert the following:

''(b) LIMITATIONS.—

''(1) CERTAIN EMPLOYEES NOT AUTHORIZED TO TELEWORK.—An employee may not telework under a policy established under this chapter if any of the following apply to the employee:

''(A) The employee has a seriously delinquent tax debt (as determined under paragraph (2)).

''(B) The employee 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.

''(C) The employee received a payment under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) but was ineligible to receive the payment under the criteria described in section 2605(b)(2) of such Act (42 U.S.C. 8624(b)(2)).

''(D) The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year.

''(2) DETERMINATION OF SERIOUSLY DELINQUENT TAX DEBT.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), a 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(i) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code;

''(ii) a debt with respect to which a levy has been issued under section 6331 of such Code upon accrued salary or wages (or, in the case of an applicant for employment, a debt with respect to which the applicant agrees to be subject to a levy issued under such section upon accrued salary or wages); and

''(iii) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

''(B) REGULATIONS.—The Office of Personnel Management shall, for purposes of carrying out this paragraph, prescribe any regulations which the Office considers necessary, except that such regulations shall provide that an individual shall be given a reasonable amount of time to demonstrate that the individual's debt is described in clause (i), (ii), or (iii) of subparagraph (A).

''(3) CERTIFICATION OF SAVINGS.—An agency may not permit employees to telework under a policy established under this chapter unless the head of the agency certifies to the Director of the Office of Personnel Management that the implementation of the policy will result in savings to the agency.

''(4) PROVISIONS RELATING TO CERTAIN CIRCUMSTANCES.—Nothing in subsection (a) shall be considered—

''(A) to require the head of an agency to authorize teleworking in the case of an employee whose duties and responsibilities—

''(i) require daily direct handling of classified information; or

''(ii) are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment; or

''(B) to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head, the employee is needed to respond to an emergency.

''(c) PROHIBITING COLLECTIVE BARGAINING ACTIVITIES WHILE TELEWORKING.—Notwithstanding any provision of chapter 71, any time during which an employee teleworks may not be treated as 'official time' for purposes of the authority to carry out any activity under section 7131 of this title.

''(d) REQUIREMENT THAT PRESIDENTIAL AND VICE-PRESIDENTIAL RECORDS CREATED ON NON-OFFICIAL ELECTRONIC MAIL OR SOCIAL MEDIA ACCOUNTS WHILE TELEWORKING BE COPIED TO OFFICIAL ELECTRONIC MAIL ACCOUNTS.—In the case of any employee who, while teleworking pursuant to a policy established under this chapter, creates or receives a Presidential record or Vice-Presidential record within the meaning of chapter 22 of title 44, United States Code, through a non-official electronic mail account, a social media account, or any other method (electronic or otherwise), the employee shall electronically copy the record into the employee's official electronic mail account.

''(e) RULE OF CONSTRUCTION.—Nothing in this chapter shall—

''(1) be considered to require any employee to telework; or

''(2) prevent an agency from permitting an employee to telework as part of a continuity of operations plan.''.

Mr. LYNCH (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 290, nays 131, not voting 11, as follows:

[Roll No. 441]

YEAS—290

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Yarmuth

NAYS—131

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Berry
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Coble
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Graves (GA)
Griffith
Guthrie
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiberi
Turner
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Cleaver
Deutch
Hastings (FL)
Hastings (WA)
Higgins
Hinojosa
Hoekstra
Kagen
Olson
Sánchez, Linda T.
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1545

Mr. COFFMAN of Colorado changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.''.

A motion to reconsider was laid on the table.

## IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1508) to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 442]

YEAS—414

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

NOT VOTING—18

Carter
Deutch
Hastings (FL)
Hastings (WA)
Herger
Higgins
Hinojosa
Hoekstra
Kagen
McGovern
McMorris Rodgers
Mollohan
Olson
Owens
Sánchez, Linda T.
Shadegg
Teague
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1553

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5621

Mr. PAUL. Madam Speaker, I ask unanimous consent to have my name removed from H.R. 5621.

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

There was no objection.

## ECONOMIC CRISIS CONTINUES

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

Ms. ROS-LEHTINEN. Madam Speaker, as the massive Federal spending and overregulating continue, so does the ongoing economic crisis. The Labor Department reported this week that job openings dropped in May from the previous month and layoffs edged up. Businesses added a net total of only 83,000 jobs in June and 33,000 in May, after average net gains of 200,000 in March and April.

A major reason for this weak hiring is that small businesses, which create about 60 percent of new jobs, are having trouble getting the credit they need to expand and hire more workers. Meanwhile, in the middle of this recession, the liberal leadership in the House is about to unload another 2,500 pages of hundreds of new regulations on the very businesses that provide credit.

Madam Speaker, we need to act now to reverse course, to lower the tax burden on small firms and simplify the regulations in order to encourage job creation, and we need it now.

## AMERICANS DON'T TRUST NATIONAL MEDIA

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

Mr. SMITH of Texas. Madam Speaker, it's hard to find any organization that is less trusted than the national media. Just 8 percent of Americans trust the media, according to a new Zogby public opinion poll. Eighty-eight percent say they have little or no trust in the media—by far the worst rating of any organization mentioned. In comparison, the poll found that Americans trust major high-tech companies and even the social networking Web site Facebook more.

This is the latest of many recent polls showing the public has lost faith in the national media. If the media want to restore Americans' trust, they should stop the liberal spin and report the facts.

## CHINESE TRADE DEFICIT

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

Mr. DEFAZIO. Press reports today show that our trade deficit with China has jumped to $22.3 billion dollars—in 1 month.

Now President Obama wants to double down on Afghanistan with a counterterrorism strategy for $30 billion that many of us believe won't work. But that's because he's a war-fighting President.

This is a war with China, it's a trade war, and we have surrendered to China. Secretary Geithner pretends they aren't manipulating their currency. Our Special Trade Representative pretends they aren't precluding American products with unfair trade barriers. We never file complaints against their unfair trade barriers precluding our products from getting into their country.

We are losing the trade war with China. We're losing our national manufacturing base. We need those jobs. We can't keep borrowing money from China to buy things that we used to make in America. That's not a sustainable system.

Wake up downtown at the White House, please.

## RECOGNIZING SANDY MORRIS

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

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a very distinguished businesswoman, Sandy Morris, the founder and CEO of Bradley Morris, Incorporated based in Kennesaw, Georgia. Sandy built Bradley Morris, Incorporated—BMI—from the ground up. Her goal was to create the biggest and best military recruiting firm in the country, and nearly 20 years later, I would say Sandy has more than surpassed her goal. BMI is now the largest military recruiting firm in the country and they have helped more than 20,000 military personnel find careers after serving our country.

Madam Speaker, Sandy's career—influenced by her father's service in World War II—has taken her all the way to the top 3 percent of all women-owned firms with revenues of $1 million or more. She is truly an impressive woman, and I wish her the best of luck.

## RECOGNIZING ISRAELI HUMANITARIAN EFFORTS IN HAITI

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

Ms. BERKLEY. Madam Speaker, I am going to be putting into the CONGRESSIONAL RECORD an article in the Annals of Internal Medicine entitled Early Disaster Response in Haiti: the Israeli Field Hospital Experience. It talks about how the Israeli Defense Forces Medical Corps Field Hospital was fully operational only 89 hours after the earthquake struck and was capable of providing sophisticated medical care. In the 10 days the hospital was operational, the Israelis treated over 1,100 patients, hospitalized 737 patients, and performed 244 operations. At the same time, the Iranians were shipping Scud missiles through Syria to Hezbollah to rearm them on the northern border of Israel; the Turks were trying to create an international incident with their ridiculous flotilla; the Iraqis, the Sunnis and the Shiites kept killing each other. In Pakistan, the government seems to be immobile when it comes to the terrorist attacks in that country. In Afghanistan, the Taliban keeps killing Americans; and Hamas continues to terrorize its own Palestinian people in the Gaza. All of that while the Israelis are actually doing something important for humanity. I think we ought to wake up and appreciate what the Israelis do.

[From Annals of Internal Medicine, May 4, 2010]

EARLY DISASTER RESPONSE IN HAITI: THE ISRAELI FIELD HOSPITAL EXPERIENCE

(By Yitshak Kreiss, MD, MHA, MPA; Ofer Merin, MD; Kobi Peleg, PhD, MPH; Gad Levy, MD; Shlomo Vinker, MD; Ram Sagi, MD; Avi Abargel, MD, MHA; Carmi Bartal, MD, MPH; Guy Lin, MD; Ariel Bar, MD, MHA; Elhanan Bar-On, MD; Mitchell J. Schwaber, MD, MSc; and Nachman Ash, MD, MS)

(The earthquake that struck Haiti in January 2010 caused an estimated 230,000 deaths and injured approximately 250,000 people. The Israel Defense Forces Medical Corps Field Hospital was fully operational on site only 89 hours after the earthquake struck and was capable of providing sophisticated medical care. During the 10 days the hospital was operational, its staff treated 1111 patients, hospitalized 737 patients, and performed 244 operations on 203 patients. The field hospital also served as a referral center for medical teams from other countries that were deployed in the surrounding areas.

The key factor that enabled rapid response during the early phase of the disaster from a distance of 6000 miles was a well-prepared and trained medical unit maintained on continuous alert. The prompt deployment of advanced-capability field hospitals is essential in disaster relief, especially in countries with minimal medical infrastructure. The changing medical requirements of people in an earthquake zone dictate that field hospitals be designed to operate with maximum flexibility and versatility regarding triage, staff positioning, treatment priorities, and hospitalization policies. Early coordination with local administrative bodies is indispensable.)

An earthquake measuring 7.0 on the Richter magnitude scale struck close to Port-au-Prince, Haiti, on 12 January 2010. The official death toll was set at 230,000, and local authorities estimated that 250,000 people were injured. This catastrophic event galvanized a strong and rapid response worldwide, and the Israeli government quickly decided to launch a medical humanitarian mission to provide medical care as advanced as possible under the circumstances.

Whereas the fate of patients with life-threatening internal-organ injuries is determined within the first hours of a disaster, early provision of treatment for the multitudes of patients with open fractures can prevent life-threatening sepsis and limb-threatening infections. In addition, situations involving substantial casualties combined with extensive damage to local medical facilities and infrastructure highlight

the need for a resourceful, experienced, and trained medical team backed by a logistics contingent. The Israel Defense Forces Medical Corps (IDF–MC) Field Hospital comprises such a unit.

The field hospital staff consisted of 121 servicemen and servicewomen (Appendix Table 1, available at www.annals.org) and was organized into medical, surgical, orthopedic, pediatric, gynecologic, and ambulatory care divisions, as well as auxiliary units (Appendix Figure, available at www.annals.org), with a capacity of 60 inpatient beds that could be expanded to 72.

To ensure maximum optic independence and to shorten the time to deployment, we brought all hospital supplies; a fully stocked pharmacy, including sufficient oral antibiotics to be distributed on discharge; imaging machinery; a laboratory that could perform blood tests and urine chemistry, hematology, blood gases, and microbiology analyses; and autoclaves for sterilization. Energy sources (generators) and accommodations (tents and latrines) were also brought from Israel. This crucial effort was carried out by a highly trained, skilled logistics unit of 109 personnel, including computer and communication specialists, security staff, kitchen staff, carpenters, plumbers, mechanics, electricians and a burial team.

## BUSINESS ADVISORY TOUR

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

Mr. GRAVES of Georgia. Madam Speaker, last week during the July 4th recess, I had the privilege of announcing my Economic Advisory Council as I toured each county in Georgia's Ninth Congressional District. During this time, business leaders in all 15 counties I represent took time from their busy day to join me to discuss ideas for job creation.

Do you know what was unanimous from each of these business leaders? It was stop the crazy spending that's going on here in Washington and start sending clear signals that Washington is serious about creating jobs through the expansion of the private sector and not expansion of government.

This starts with lowering taxes and stopping the runaway debt. We must stop cap and trade, repeal ObamaCare and get our house in order. In fact, Congress should block all tax increases, freeze discretionary spending to at least 2006 levels, and stop all proposed regulations that have any negative economic impact.

In other words, the business community in my district is saying loud and clear, ''Washington, you're not helping. Get out of the way and let the free market work.''

I couldn't agree with them more.

□ 1600

## BUY AMERICA PROVISIONS WORKING

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

Mr. MURPHY of Connecticut. Madam Speaker, a few weeks ago I visited a company in my district, Integro, and through the enforcement of the Buy America clause, their business in making lighting for airstrips has almost doubled.

In visiting them, I found out that they then have increased their purchasing from other domestic firms. So earlier this week I visited a company in Plainville, Connecticut, Olson Brothers, who has seen their business increase 20 to 30 percent because of the purchasing done by Integro.

They buy their raw product from a company in Massachusetts, and hopefully later on during the August break I will get to visit them as well.

The point is when you enforce Buy America regulations, when we make sure that the things we buy for the Federal Government are bought from domestic firms, you don't just create business with one company, you create business with three companies, with five companies, with 10 companies. That is why Buy America works. That is why we should reinvest and strengthen that policy here in Congress.

## 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.

## TRIBUTE TO ARMY SPECIALIST BRENDAN PATRICK NEENAN

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

Mr. BRIGHT. Madam Speaker, I rise with a heavy heart to pay tribute to Army Specialist Brendan Patrick Neenan today. Specialist Neenan was killed in Afghanistan on June 7th by an improvised explosive device, otherwise known as an IED. He died while defending the country he loved so dearly. He was only 21 years of age.

A native of Enterprise, Alabama, Brendan was the third generation of his family to be a part of the 82nd Airborne Division. He was stationed at Fort Bragg, North Carolina, and a member of the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team.

After high school, Brendan enrolled at Enterprise State Community College, where I went to school, where, like his older brother Tim, he showed an interest in comedy. But Brendan had a higher calling and strongly believed he should serve his country first before doing anything else. Without question, he adhered to the concept of America first.

His brother Tim noted to the Southeast Sun newspaper in Enterprise, ''Brendan was a third generation 82nd Airborne. Him, my dad and my grandfather did the exact same thing in the military. He was very proud of being a third generation 82nd. He absolutely, not in a political way, but in an altruistic way, believed in doing something,'' and that something was serving his country.

Even when he was preparing to deploy to Afghanistan, Brendan was worried more about his family than himself. He told his sister Katie to keep her grades up. He encouraged his brother Tim to continue his career in comedy. His father Hugh Neenan said, ''He was a very gentle soul, the nicest soul you would ever want to meet, but he was a tough, tough young man.''

When Brendan passed away, the loss was not only for the Neenan family, but for the entire country. America lost a true hero, someone dedicated to standing up for the values we hold so dear. He was an outstanding young American.

When I spoke to Hugh Neenan shortly after his son's passing, Brendan's character shined through despite the fact that Mr. Neenan was understandably still distraught from losing a son. Brendan was simply performing his duty to his country, following a proud family tradition.

Madam Speaker, delivering these speeches is one of the toughest duties any Member of Congress has to do during his tenure or her tenure here, but what we do here pales in comparison to the brave actions of all of our men and women serving overseas. They are the true American heroes and they deserve our unending gratitude for their sacrifices.

Brendan was laid to rest on June 22nd in Arlington National Cemetery alongside 300,000 other American patriots. His tomb there will be an eternal reminder of his sacrifice to our country.

The loss of Brendan was a blow to his father Hugh, his stepmother Lesa, his brother Tim, his sister Katie, as well as the entire Wiregrass area in southeast Alabama. Enterprise and the area surrounding Fort Rucker, Alabama, have seen more than its fair share of loss over the last several years.

May our thoughts and prayers be with the entire Wiregrass community, as well as Brendan's family, during their time of mourning.

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.)

□ 1610

## GOVERNMENT BORDER SECURITY PLAN: ERECT A FEW SIGNS

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, I bring you news from the third front.

We have the first front in the war in Afghanistan, the second front is the war in Iraq, and the third front is the border with our neighbors to the south—Mexico. We are finally beginning to learn that there is concrete evidence of a new border plan by this administration. The administration's new plan is this. And let me show you. The plan is to put up warning signs—signs like this one right here. And I happen to have a photograph of one of these signs. It's on Interstate 8 in Arizona.

The Bureau of Land Management began posting these signs recently in locations along Interstate 8 between Casa Grande and Gila Bend in Arizona. It's an east-west stretch of highway about 60 miles long. Phoenix is 30 miles to the north. The border with Mexico is 80 to 100 miles to the south. About a dozen of these signs have been posted.

You probably can't see this, Madam Speaker, so let's go through it. Of course, at the top it's in red: Danger: Public Warning—Travel Not Recommended. The Federal Government, the administration, and its new border security plan is to tell us, Don't travel this highway. It's not recommended by the Federal Government. The administration has issued travel warnings to citizens to not travel in parts of America. It's just too dangerous for Americans to go through America.

The sign goes on and says some more. Right here, the first bullet point: Active Drug and Human Smuggling Area. So now we know why we're not to be in that part of Arizona—because it's not safe. There's an active area of drug smuggling and human trafficking. And so the remedy of the Federal Government is warning Americans to stay away.

Further, the sign says: Visitors May Encounter Armed Criminals and Smuggling Vehicles Traveling at High Rates of Speed. Another reason why Americans are encouraged not to go through America. It's just not safe.

Now, would those visitors be American? It must be because the sign is actually written in English, supposedly for Americans traveling this interstate highway across America.

The sign further gives some more warning comments: Stay Away from Trash, Clothing, Backpacks, and Abandoned Vehicles. We're not supposed to get near those items when we travel Interstate 8. You see, it continues to say: If You See Suspicious Activity—and this must be important because it is underlined—Do Not Confront. Move Away. Call 911.

Now let's go over this warning on this interstate highway sign telling Americans not to travel through America because it's just too dangerous because of the illegal activity in the area. It says, If you see something that you think is suspicious, don't confront those people. Move away and call 911.

Now let's go through this a little bit. Call 911. You pick up the phone, you call 911. Normally, when you call 911, you get local law enforcement to answer the phone. You don't get the Federal Government because they don't answer 911 calls.

So our government is suing Arizona and doesn't want Arizona local law enforcement to enforce immigration laws and border security, but local security—police officers—will answer 911. They will probably say, Well, we're not supposed to be enforcing immigration laws so we're going to turn you over to ICE. They connect you to ICE—Immigration and Customs Enforcement. And what are they going to say? If we actually get to the Federal Government, what will they say? They will probably say, Well, read the rest of the sign and move away, because we have really not tried to enforce the law along Interstate 8 in Arizona. Seems to be a little nonsense to me.

Here's my favorite one down here at the bottom. The last one says, The BLM—that's the Bureau of Land Management. They manage Federal lands in the United States to take care of us all. It says: The Bureau of Land Management Encourages Visitors to Use Public Lands North of Interstate 8. In other words, don't go south of Interstate 8, that 80 miles to 90 miles to Mexico. Go north of Interstate 8. Phoenix is only 30 miles from here, by the way.

So, are we ceding as a country land south of Interstate 8 to Mexico, the drug cartels, to the human smugglers, to the drug traffickers? Are we just giving that land back because our Federal Government says, Sorry, we're not protecting that part of America. We're not going to keep that safe.

That is unfortunate, giving this land over to the crime cartels. And so ceding the land to Mexico is not a border security plan at all. Our government's plan seems to be simple—erect a few signs, tell Americans to run and hide in their own country, and then sue the State of Arizona for trying to protect its citizens. That's not a plan. That's nonsense. The Federal Government is missing in action. We need to send the National Guard to the border and protect Americans.

And that's just the way it is.

## CONGRATULATING OCEAN WATCH AND ITS CREW

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

Mr. McDERMOTT. Madam Speaker, I rise today to congratulate the crew of the sailing ship Ocean Watch, a 60-foot sailboat, which just completed a 28,000-mile journey around the Americas. It's been a little more than a year ago that Mark Schrader, Herb McCormick, David Thoreson, and David Logan left Seattle and sailed north. They sailed around Alaska and then through the treacherous Northwest Passage, an area that's usually too full of ice to pass but is now navigable because of the rapidly warming Arctic.

After about a hundred days, the crew arrived safely in the waters of the Atlantic Ocean. From there, the Ocean Watch sailed south along the Atlantic coast of both continents to the challenging route around Cape Horn, where they once again met the waters of the Pacific. After traveling over a year and completing more than 28,000 nautical miles, they finished their expedition and returned home to Seattle. They set sail with the mission of inspiring, educating, and engaging the citizens throughout the Americas to protect our fragile oceans.

This amazing journey was envisioned by David Rockefeller, Jr., and Captain Mark Schrader of Stanwood, Washington. To implement their shared vision, Mr. Rockefeller enlisted the assistance of a nonprofit organization he helped to found, Sailors for the Sea, that encourages sailors to become more active stewards of the world's oceans. Over the course of their journey, the crew that included experienced sailors, photographers, journalists, educators, and scientists, visited 13 countries at 45 ports of call. In Alaska, they visited with the Namgis Indians of British Columbia and were themselves educated on the destruction of the local habitat by industrial logging and over-fishing. They docked in New York City for a presentation at the New York Yacht Club, where they shared their experience and mission to a standing-room only crowd.

At each stop, the crew shared their experiences and raised awareness of important ocean health issues like polar ice melt, ocean pollution, collapsing fisheries, acidification, and coastal erosion due to sea level rise. To aid in their mission, the Ocean Watch carried with it various instruments and cameras, coordinated data collection with various NASA and NOAA satellites, and took advantage of the unique opportunity to track and monitor global data from a single platform. In the true spirit of conservation and education, these measurements will be shared and used to complement other oceanographic, atmospheric, and climate research programs, the majority of which originated from the Applied Physics Lab and the Joint Institute for the Study of the Atmosphere and Oceans at the University of Washington. To help in accomplishing the educational goals of this project, they used a set of curricula and educational resources developed by Seattle's Pacific Science Center, and brought with them trained, bilingual educators who shared lessons linked to the onboard scientific research with the communities that they visited.

The completion of Ocean Watch's extraordinary voyage cannot come at a more critical time in our Nation's ecological history. As we watch helplessly as the oil gushes into the Gulf of Mexico and it devastates the region's ecosystem with the far-reaching potential of consequences that extend well into the Gulf, we need more advocates who

understand the importance of protecting our fragile oceans.

While the crew of the Ocean Watch successfully completed their voyage, their work has only just begin. After both the Exxon Valdez and the disaster in the Gulf, I'm not sure how many more wake-up calls we need, but I do know that we're going to need people like Mark Schrader and his crew to help educate us on what is happening to our oceans. I commend the crew of the Ocean Watch for moving us forward on this difficult path.

I recently read a quote by a British man named Thomas Fuller in 1732. He said, ''We never know the worth of water until the well is dry.'' I sincerely hope that with advocates like the crew of the Ocean Watch, we will prove Mr. Fuller wrong.

□ 1620

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the correct tally on roll call vote No. 440 was 303 yeas and 119 nays.

## RULES OF ENGAGEMENT

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. Madam Speaker, when we were debating the issue of Afghanistan a couple of weeks ago, during the 3 minutes of time that I had, I brought up the issue of rules of engagement. These are the rules that our men and women in uniform in Afghanistan and Iraq have to follow if they're going to be confronted by the enemy.

Well, I have been very disappointed that we've put so many restrictions on our men and women in uniform that I, along with two other Members of the House—JEFF MILLER, a Congressman from California and DOUG LAMBORN, a Congressman from Colorado—wrote to Chairman IKE SKELTON and Ranking Member BUCK MCKEON, and we asked for a classified hearing on this issue of the rules of engagement.

And, Madam Speaker, in the letter that we wrote to the chairman and ranking member, we cited in there an article from The Washington Post that was entitled, ''This is not how you fight a war.'' One example, one of the United States Army officers serving in southern Afghanistan quoted in this article, ''Minimizing civilian casualties is a fine goal, but should it be the be-all and end-all of the policy? If we allow soldiers to die in Afghanistan at the hands of a leader who says, 'We're going to protect civilians rather than soldiers,' what's going to happen on the ground? The soldiers are not going to execute the mission to the best of their ability. They won't put their hearts into the mission. That's the kind of atmosphere we're building'' in Afghanistan.

Another soldier in the same article was quoted as saying, ''This is not how you fight a war, at least not in Kandahar! We've been handcuffed by our chained chain of command.''

Madam Speaker, also from that article, I would like to read another paragraph: ''For troops on the ground, the directive has lowered their morale and limited their ability to pursue insurgents. They note that Taliban fighters seem to understand the new rules and have taken to sniping at troops from inside homes or retreating inside houses after staging attacks.''

This is an ongoing issue and problem for our military. In fact, in a June article, there was a syndicated column by George Will, and I will read just one paragraph. In ''a recent email from a noncommissioned officer serving in Afghanistan'' . . . ''he explains why the rules of engagement for U.S. troops are too prohibitive for coalition forces to achieve sustained tactical successes.''

And, Madam Speaker, also during that debate a couple of weeks ago, I held up these two articles from Marine Times, ''left to die. They call for help. Negligent Army leadership refuse and abandon them on the battlefield. Four marines and one Army killed'' because they did not get the support that they needed because of rules of engagement.

I also have spoken to a father from Maine who was quoted in another Marine Times article, ''Caution killed my son. Marine families blast suicidal tactics in Afghanistan.'' The father said to me—he, himself, a retired marine—that my son and the platoon, if they had gotten the cover that they needed the day before when they saw Taliban soldiers going into a cave—they called for air support. The helo came over the gunship but did not fire into the cave because the pilot said, ''We cannot see the enemy,'' yet the young lieutenant had just reported to them, ''We saw the Taliban soldiers go into the cave.''

Madam Speaker, it is time to get out of Afghanistan. We have put our troops over there in harm's way, and we're not letting them fight as they should be able to fight.

Before I close, in a poll from CBS just 2 days ago, ''Should U.S. Set a Timetable for Withdrawing Troops from Afghanistan?'' 54 percent said ''yes,'' 41 percent said ''no,'' and 5 percent were undecided.

Madam Speaker, I want to close by asking God to please bless our men and women in uniform, to please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to please bless the House and Senate that we will do what is right in the eyes of God. And I will ask God to give wisdom, strength, and courage to the President of the United States that he will do what is right in the eyes of God. And three times—God, please, God, please, God, please continue to bless America.

## FISCAL DISCIPLINE

The SPEAKER pro tempore (Ms. FUDGE). Under a previous order of the House, the gentlewoman from Arizona (Mrs. KIRKPATRICK) is recognized for 5 minutes.

Mrs. KIRKPATRICK of Arizona. Madam Speaker, on Sunday, two leading voices from both sides of the aisle outlined as clearly as ever the consequences of Washington's unrestrained spending. The cochairs of the nonpartisan Debt and Deficit Commission, former Republican Senator Alan Simpson and former Clinton administration Chief of Staff Erskine Bowles said that if the government stays on its current path, our crushing Federal debt will ''destroy the country from within.'' Bowles went on to describe it as a ''cancer'' on our Nation.

These are just the latest warnings of the disaster we face if Congress does not begin making the tough choices to restore fiscal discipline. Washington politicians have heard it from policy experts, from public servants, and, above all, from the people. When will they start to listen? How much plainer can we make the stakes? What more will it take to get the message through?

I was proud to fight for the strongest possible debt commission, and I will push Congress for an up-or-down vote on each of their recommendations. But the cochairs have already laid out what needs to be done to get our fiscal house in order, and this House must not waste any opportunity to take action.

As Members put together the appropriation bills for the next fiscal year, they should work creatively and aggressively to cut spending levels and do more with less. As I have proposed, they should start by reducing congressional pay by 5 percent. Congress needs to lead by example. Before they ask the rest of the Federal Government to make cuts, they must go on to find big and small ways to save billions of taxpayer dollars.

Paying down the debt and balancing the budget will not be easy. There will be politically unpopular decisions to be made. But as Senator Simpson and Mr. Bowles reminded us, leaving the hard calls for another day is no longer an option.

## THE MIAMI VA'S CONTINUED PROBLEMS WITH COLONOSCOPIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, over a year ago, more than 3,000 veterans in the Miami Veterans Affairs Medical Center were notified that they could have been exposed to life-threatening diseases like HIV and hepatitis because the Miami VA was not properly sterilizing its equipment for colonoscopies. These are veterans who went in for routine screenings, who put

their trust in the medical professionals at the VA, and could have been possibly infected with any number of viruses. Our veterans who sacrificed so much for our country deserve better than this.

When this matter first came to light last year, immediate hearings into the matter were called. My colleagues and I were told multiple times that every veteran who underwent a colonoscopy during the risk period would be contacted and would be tested. During followup site visits at the Miami VA, I was again personally assured that the VA had informed every impacted veteran. Most importantly, both local and national VA officials were certain that real positive changes had been made to restore accountability and trust. Now, Madam Speaker, 1 year later, we find out that an additional 79 veterans might have been exposed to these life-threatening viruses but were, in fact, never notified of their risk.

Now, we are blessed to have excellent doctors, excellent nurses, excellent health care professionals working at the Miami VA, and I'm sure that they are saddened by this repeated problem. I thank this dedicated group of health care professionals for caring so deeply about our veterans. They should not be faulted for the problems of a few.

This most recent mistake was only discovered by the Miami VA when one of the veterans, himself, came forward. He wondered why the hospital had not contacted him about his colonoscopy which was performed during the risk period. Without his coming forward, these 79 potentially impacted patients could have easily gone completely unnoticed.

HIV and hepatitis are much more easily treated, and survivability is greatly enhanced, obviously, if the diseases are caught early. The failure of some in the Miami VA to identify those veterans is near unfathomable when considering the supposed microscope that the VA had promised they would be held under.

□ 1630

Yet 79 of the veterans still fell through the cracks. Nationally, the VA has promised to deliver on its pledge of greater management accountability and trust. The VA must follow basic procedures to protect its patients and implement a process for examining its faults and resolving them.

The Miami VA is again contacting every single patient who may have been exposed so that he can be tested and, if need be, treated. The VA must make sure that this tragedy is never repeated and that accountability and oversight are restored.

Our country is deeply indebted to the sacrifices made by our courageous men and woman who have served in our Armed Forces. We owe it to them to make sure that they are taken care of upon their return home.

This terrible mistake that led our veterans to being potentially impacted with life-threatening diseases cannot be repeated. To restore that lost credibility, the VA must enact new procedures to ensure that similar problems never occur in the future and make sure that there are proper mechanisms in place to resolve any issues that do arise.

I know that the Miami VA health care professionals have a lot of work ahead of them to rebuild the trust, and they will do so. They will re-establish that bond between each veteran and the most excellent Miami VA center.

Our veterans know that they deserve to know what went wrong and, more importantly, that it will never happen to a fellow veteran from here on out.

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

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

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## PASSPORTS FOR THE IROQUOIS LACROSSE TEAM

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

Mr. MAFFEI. Madam Speaker, I rise to give the House an update on the situation concerning the Iroquois Nationals lacrosse team trying to travel to the 2010 World Lacrosse Championship in Great Britain.

Madam Speaker, I rose this morning to talk about how this team is trying to travel to this. They are traveling on their own passports as an indigenous people, and they were not allowed to board the plane multiple times.

Since I last reported to the House, the State Department, because of the direct intervention of the Secretary of State, Hillary Clinton has become involved; and they have issued an assurance to the British Government that indeed this team, who have already subjected themselves to all the security considerations, including a full bio-scan, fingerprints and other background checks, that this team would be allowed back in the United States and was, indeed, a legitimate team.

However, Madam Speaker, the British have not yet decided whether or not to let the team into this international competition.

Madam Speaker, the 2010 World Lacrosse Championships are being hosted in Great Britain. This team, the Iroquois Nationals, that represent the six nations of the Iroquois Confederacy, or as they call it, the Hodnashone People, this team was invited, not to compete for the United States or Canada or any other country other than the Iroquois Country. They were invited because of their own national identity. And so it seems particularly odd and contradictory that the British Government would require them to have passports of a country that they don't feel that they're representing.

Now, we do have many examples of times in our history when we've had people who've stood up to principle and have not been able to compete. In 1924, a Scottish Olympic star named Eric Liddell did not want to compete on the Sabbath. He was told that he would not be able to participate in the 1924 Olympics because of that.

In the movie ''Chariots of Fire,'' which was an Academy Award-winning movie in 1981, this was chronicled; and he was called in that movie a true man of principle, a true athlete. His speed is a mere extension of his life, it's force; and we sought to sever his running from himself.

Madam Speaker, if the British, or any national entity, seek to sever this Iroquois National team from their own national identity, then they are asking them to not be the athletes that they are.

I urge the British Government to do everything in their power to make sure that once safety considerations are considered, that this team be allowed to go to travel to Great Britain and to be allowed to compete. These Iroquois, or Hodnashone, were the inventors of the game of lacrosse. It would be an international embarrassment if they're not allowed to compete. And they have been allowed to compete in other countries such as Australia and Japan.

We cannot lose the forest for the trees. We cannot look at some bureaucratic excuse, particularly for the country that's allegedly hosting the Olympics in 2012 in London. If they're going to host an international game, they have to be ready to welcome an international team.

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## RECOGNIZING CONSTITUTING AMERICA'S ''WE THE PEOPLE 9/17 CONTEST''

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

Mr. GARRETT of New Jersey. It was John Adams who once wrote, ''Liberty cannot be preserved without a general knowledge of the people.'' And when I first came to Congress, I resolved that promoting knowledge of the U.S. Constitution would be one of my primary responsibilities and priorities. And to that end, I founded and continue to this day to chair the Congressional Constitution Caucus.

I come here to the floor tonight just to say that I'm not alone in this effort in working to preserve our freedoms through education and specifically of the U.S. Constitution. And so tonight I would just like to recognize a group whose mission is to inform America's youth and her citizens about the importance of the U.S. Constitution and the foundation it sets forth regarding our freedoms and rights.

The name of this group is Constituting America. And I commend the efforts of the two founders, and that is

Janine Turner and Cathy Gillespie. It is these two women, along with Janine's daughter, Juliette, who are trying and working hard to inspire students across this country to learn more about this fundamental, primary document, the U.S. Constitution. And they're doing it by launching the first ever annual ''We the People 9/17 Contest.''

Students had until just last week, that was July 4, to submit either a poem or an essay, a song or even a short film or any other type of creative work. I come here tonight to offer to every one of the participants my heartfelt congratulations for their hard work in this endeavor.

This contest, and the creation of Constituting America, really fittingly represents the genius of the American Republic, for we are a civilization that prizes individual freedom, that prizes personal responsibility, continuing education, great innovation and, most importantly, civic virtue.

So I thank Janine and Cathy for providing a relevant means to further our understanding of our Nation's values, our history, and our founding documents. The American story is filled with great intrigue and bravery; and remembering its past, remembering and having an understanding of these founding documents of the U.S. Constitution will help secure us as we write the next chapter.

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

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

## OUR INCONSISTENT POLICY TOWARD ILLEGAL ALIENS

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, I get a little concerned sometimes when there's a real inconsistency in our policy toward illegal aliens in this country. The administration and the Justice Department have said they're going to take the State of Arizona to court because the State of Arizona has passed a law which deals with stopping illegal immigration, and it parallels, it mirrors almost exactly the Federal statute.

So the Federal Government is not doing what it should in enforcing the law dealing with our southern border. And so Arizona, who's dealing with drug traffickers, criminals, illegal aliens and possibly terrorists coming across the border, they have decided to do what the Federal Government won't. The Federal Government is supposed to do what Arizona is doing, and because Arizona is doing it, the Federal Government is suing them.

□ 1640

Now, at the same time we have what's called sanctuary cities, cities where illegals are encouraged to go, and they are in effect being protected. That is against the law. And so here you have the Federal Government, the Justice Department and the President saying we're not going to go after the sanctuary cities who are protecting illegal aliens that are in this country, and at the same time they're not going to enforce the law which says that we've got to protect the border against illegals coming in in the first place. It really is a real inconsistency, and it bothers almost everybody who thinks about it to say we're not enforcing one law and we're opposing another law.

The government of the United States, the Justice Department, is opposing the very law that they're suing Arizona for in trying to protect that southern border. And at the same time, there is a law that deals with illegal aliens in sanctuary cities, and the Federal Government will not go after them. And the appearance is the Federal Government under the President, President Obama, and the Justice Department wants to protect those who are here illegally in sanctuary cities, but they do not want to police the border as prescribed by law. That is just dead wrong. It's an inconsistency. And the Justice Department and the administration should be taken to task for this.

If I were talking to the American people, I would tell them to contact their Congressman if they are concerned about illegal immigration. We've got 12 to 15 million illegals in this country, and they are being protected in sanctuary cities against the law, and the Justice Department will do nothing about it, and the administration will do nothing about it. And at the same time, because Arizona is experiencing a real tragic situation down there, and they passed a law that is consistent with Federal statutes, the Federal Government is going after them.

It makes absolutely no sense. And it begs the issue and the question about whether or not this administration and this Justice Department does want to protect our borders from illegal aliens. It doesn't appear that they really want to do that.

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.)

## REMEMBERING THE LATE SENATOR DAVE COX

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 rise today to recognize and honor the late California State senator and former California Assembly Republican Leader Dave Cox, who passed away at his home yesterday, surrounded by his loving family.

I had the great pleasure of working with Dave, and I admired not only his energy, but his tireless service to the people he represented. I was pleased that I was able to represent some of those same people in my congressional district, which overlapped his State senate district.

He constantly strove to make government work better for people, and I do believe he accomplished this mission. His public service spanned more than two decades, and it goes without saying that he will be sorely missed across the entire Sacramento region.

Dave served on the Sacramento Municipal Utility District Board, and was a 6-year Sacramento County supervisor before joining the California Assembly in 1998, and then the California Senate in 2004.

Much can be said about Dave Cox the public servant, but let us remember that he was a devoted husband, father, and grandfather as well. Dave, along with his wife, Maggie, raised three daughters, and were the proud grandparents of six grandchildren.

I was pleased to be able to speak with him just a few weeks ago, when he had returned from receiving some treatment for the cancer. And he told me that he was going to return to the State senate, which he did several days later. Here was yet another example of a man serving the people he loved until the very end. He said to me at that time, well, he was only about 90 percent. And I said, ''Well, 90 percent of Dave Cox is better than a hundred percent of most of the people in public service.''

I am honored to remember my friend, the late Senator Dave Cox, a devoted family man, an exemplary public servant, and a trusted colleague. Eternal rest, grant unto him, O Lord, and let perpetual light shine upon him. May he rest in peace.

## A DISCUSSION ABOUT JOBS

The SPEAKER pro tempore (Mr. GARAMENDI). 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.

Mr. GARAMENDI. Madam Speaker, thank you.

Following on Congressman LUNGREN, my colleague from the neighboring district, I didn't realize that Senator Dave Cox had died. I join him in the eulogy that he so graciously gave here on the floor. An extraordinary individual, represented my mother in the mountain counties, and was dedicated, as was said, to the betterment of California. So I will start with that.

What I intended to discuss here today was jobs, American jobs, and the situation we are faced with today and the extraordinary burden that's placed upon so many Americans who have lost their jobs in the last years of this great recession.

What I wanted to really start with was to try to get a sense of what has happened over the last 3 years, 2½, almost 3 years now. Beginning in December of 2007, the great American recession began during the George W. Bush period. And we began to lose jobs, largely as a result of the subprime mortgage, the lack of regulation that was going on, loans being made to people that didn't qualify, and all the games of Wall Street that began to unravel and to cause the American economy to literally crash.

As that Wall Street problem magnified and grew, the number of jobs that were lost grew, so between December of 2007, when there is actually some modest job growth, and December of 2008, we saw an extraordinary decline in jobs. So that in December 2008 you are looking at over 750,000 jobs lost.

Now, in January, at the end of January, the Obama administration came in, and again in January we faced another 700,000 jobs lost. But almost all that period of time was the previous administration. And the new Obama administration did not have any opportunity until the last 5 days of the month to even take over the administration of government.

Thereafter, and most every month since then we have seen a decline in the number of jobs lost, so that now in the fall of 2009 we actually began to see the first signs of job growth. So that in September, October of 2009 there is actually a small, very modest increase in jobs, followed the next month by again a decline. But then in the following months since the fall of 2009 to this period, we have actually seen a growth in the number of jobs in America. And that's good news.

We're not anywhere near where we need to be. And I think we all need to understand what has been done to—the effect of all of this job loss. So if I might just go to another chart here so that we can set the foundation for what we're going to talk about, you know, the numbers basically lay it out there.

During the Great Recession, beginning in the fall of 2007 and then continuing on until the fall of 2009, 8 million jobs were lost. Nearly all of those were lost during the George W. Bush administration. For the Americans that depended on their savings, their retirement accounts, $17 trillion in retirement savings were lost during this period of time.

You just compare that to the previous 8 years of the Clinton administration, when 22 million jobs were created during the Clinton administration. The question arises, why? What was the difference? What happened that caused during the last years of the George W. Bush administration the loss of these some 8 million jobs compared to 22 million jobs that were created under the Clinton administration? We're going to come to that during this discussion. And it's a fundamental question, because it is the question of national policy.

□ 1650

During the prior period of the Bush administration, by contrast, 1 million jobs were created in America. Again, enormous difference—22 versus 1. Why? What's the reason for this? And the policy decisions that were made that led to this enormous difference here.

I'd tell you what we'd like to do for the remainder of this year is create some 900,000 jobs, and we're on course to do that. It's going to take a lot of work. It's going to take a lot of changes in policy.

Beginning with the Obama administration, a series of pieces of legislation were put into place, and I'd like to just review those pieces of legislation and what they were doing. Many of these were designed specifically to deal with the great recession and to prevent the American economy from falling into a 1930 Depression. We were on the edge. We were teetering on the edge of that.

Some of this was done in the last days of the George W. Bush administration, which was the bailout of Wall Street, the TARP program. That program pumped some $700-plus billion into Wall Street. A lot of controversy about it. Other nations around the world were doing the same thing. And the result was a stabilization of the financial industry. For me, I would have liked to have seen it done differently, but it was done that way during the Bush administration, and it did actually stabilize the economy. Now, because of bills that have been passed since that time, we're seeing a good portion of that money returned to the American Treasury.

Now, beginning with the Obama administration, immediate action was taken here on the floor of this House and in the Senate to try to stabilize the job market to try to put Americans back to work. And the very first bill that was enacted, I believe, within the first 30 days was the American Recovery and Reinvestment Act.

Now, economists looking at that today have said that that legislation alone created 2.8 million jobs, including teachers, police, firemen, construction workers, and the like. It also provided the American middle class with the largest tax cut ever for the middle class. Ninety-eight percent of Americans received a reduction in their taxes as a result of that, so that today the amount of money collected from the American taxpayers is at a rate that is as low as it was in the 1950s.

There was also a major element of it that was called rebuilding America with clean energy jobs and with infrastructure. So 2.8 million jobs were enacted.

I'm going to quickly go through these others. I'll come back to them during the course of this discussion. But also I want to just tell you the way we're going to do this, and that is we're going to talk about what's going on in various parts of America.

So, from time to time, I'll come back and talk about the other six fundamental pieces of legislation that have been signed into law by President Obama, passed by this House. All seven, including the American Recovery and Reinvestment Act, have created jobs in America and turned around the American economy. So we're growing. Not as much as we should and not as much as necessary, but we're growing.

I'd like now to reach out—well, I guess I'm a Californian, but basically I'm from northern California. I represent a district in the San Francisco Bay Area east of the San Francisco Bay. But there's another part of California that is rather big. That would be the Los Angeles Basin. And specifically, joining me from Orange County is the gentlewoman from Orange County, LORETTA SANCHEZ.

Can you talk to us about what's happening there and the nature of the economy and the job situation.

Ms. LORETTA SANCHEZ of California. Absolutely.

As you know, I live in an incredibly wonderful area called Orange County, the OC that many of you have seen on television before. It's not clearly the way it's depicted there, but it is a beautiful place. We're the home of Disneyland, of the Anaheim Angels. We have one of the largest concert arenas in the Nation. We also have a beautiful coastline that so many people want to come to in Newport Beach and Laguna Beach, and it's just a very, very special place.

But the housing issue affected Orange County in a dramatic way. We had, in Orange County, four of the six largest subprime lenders across the Nation were in Orange County. So almost overnight we lost 40,000 jobs just to the housing issue.

Well, I would like to let people know that it was reported in today's Los Angeles Times that housing is coming back in California. And specifically it noted, of course, this whole tax issue, because my colleague, my wonderful colleague from the northern portion of our State noted the tax cuts that we had in the American Recovery and Reinvestment Act, in particular.

For people who say that Democrats—and I am a Democrat—never liked tax cuts, that's just not true. The fact of the matter in the stimulus package, in the American Recovery Act, we actually have a third of the moneys go to tax cuts. But we put them to specific areas to help people get an education, to help them keep their homes, to help them, encourage them to buy homes, to keep the economy going. And so today we have found in the newspaper that there is a 7.2 percent jump in

southern California home sales. And Orange County, out of any place in the Nation, leads the way in selling homes, putting homes on the market, getting new families excited to get into these new homes. Yes, a lot of the people that I represent have lost their homes. Right next door to my home there's a foreclosure. And so it is difficult.

But in order to keep people in their homes, we've also passed legislation that would help modify some of those home loans so that people would actually get a chance to stay in their homes. And if they did have to leave their home before we could get somebody else in to buy that home, we also passed funds to help cities, for example, $10 million and $6 million to the cities of Santa Ana and Anaheim that I represent, to make sure that homes were taken care of as we transitioned them from one family or person to the next.

So we have actually passed quite a few pieces of legislation that have helped the housing market. And in helping the housing market, this is beginning to create some of the jobs that we see, especially in Orange County.

So I'm so glad that my colleague has taken this hour to talk a little bit about how, slowly, we are beginning to come back and the effects of that very important piece of legislation we passed a year ago, the American Recovery and Reinvestment Act, and the additional pieces that we have passed to help.

Mr. GARAMENDI. So thank you so very much for talking about down home and what's going on there.

I will note that the American Recovery and Reinvestment Act, which the economists suggest has created 2.8 million jobs, provided the largest middle class tax cut ever, and also did the infrastructure—streets, roads, sanitation facilities—and renewable green energy programs. Not one Republican voted for that.

Ms. LORETTA SANCHEZ of California. Absolutely. And if my colleague will just give me a little bit more time, I will say to him, we have felt that in Orange County, $2.2 billion for the first piece of the high speed rail that will connect Anaheim all the way up to San Francisco, to your area, that $2.2 billion given to the Anaheim/Los Angeles portion of that high-speed rail.

So looking to the future, other pieces of that legislation—research in the greening of America, research in new technologies for energy independence, and also research and to change over our hospitals to electronic filing rather than to have paperwork being shuffled between doctors. So it carried a lot of future-looking pieces.

And, of course, when you look at innovation, that is what California is about. That is what is going to lead us out of a bad economy, and that is what we will, in fact, sell to the rest of the world after we establish those new areas of innovation.

Mr. GARAMENDI. I thank you for bringing up the question of innovation and research. It was a very big portion of that. I'm going to come back a little later to another piece of legislation that has passed this House, yet to pass the Senate. But with regard to the American Reinvestment and Recovery Act, once again, it was the Democrats that carried the ball that shouldered the burden and passed and provided the votes. Not one Republican vote.

You mentioned the home-buying situation in Orange County. The first-time home buyer credit, I think it's $6,000, was made available through a piece of legislation that once again was pushed forward by the Democrats in this House and over in the Senate. And 93 percent of the Republicans on this floor voted against that provision that gives first-time home buyers that additional money that they needed for that down payment so they could buy that home.

□ 1700

It goes on and on and on. One of the issues that confronts us, since we're not back where we need to be with our employment, is the unemployment insurance situation.

Now, representing a part of the Nation that has been really harmed by the loss of manufacturing jobs is the Ohio Valley region. Representative CHARLIE WILSON is from the Youngstown area, and I invite him here to talk to us about his situation in the Ohio Valley and the Youngstown region. Welcome. Thank you.

Mr. WILSON of Ohio. Thank you for convening this important discussion about our economy and our need to create jobs. I appreciate both of my colleagues from the California area and say that I represent the Ohio River Valley area that runs from Youngstown down through Steubenville, Athens, Marietta-Athens, and on down. So it's all along the Ohio River where we have had for many years and generations steel workers and people that have helped to move this economy and our country forward.

But by July 17 over 112,000 people in the State of Ohio will lose their unemployment benefits. This is due to the Senate's inaction to extend unemployment benefits which contribute to the important every-day expenses like paying your mortgage, health care bills, utility bills, and cost of food where there isn't a paycheck coming in. The American people are hurting, and they want to work. Until we can get everyone who wants a job working again, I believe that it is important that we continue to support unemployment insurance.

On July 1, I was proud to vote in favor of the House-passed legislation to extend unemployment benefits for millions of American families. This 6-month extension of benefits will not only help families looking for work, but it is a proven fact that it will boost our economy also.

In a recent Washington Post/ABC News poll, more than 6 in 10 Americans support congressional action to extend unemployment benefits for jobless workers. And The Washington Post agrees, stating in a recent article that passing the extension of unemployment insurance is both the right thing to do and the fiscally prudent thing to do.

I would like to quote The Washington Post editorial: ''Drawing the deficit line at additional unemployment benefits is shortsighted, because, if anything, the economy could benefit from more stimulus spending, not less. Unemployment benefits, which are most apt to be immediately plowed back into the economy, are about the most stimulative form of spending. Extending them is both fiscally sensible and morally decent.

''Unemployment benefits . . . are an essential lifeline. The Senate needs to extend them.''

In fact, the analysis from the nonpartisan Congressional Budget Office suggests that extending unemployment benefits is one of the most cost-effective and fast-acting ways to stimulate our economy. It's not just the CBO. Many economists agree that extending these benefits decreases the chances of slipping back into a double-dip recession.

As a matter of fact, I have here from Mark Zandi, chief economist at Moody's Analytics, a former economist to Senator JOHN MCCAIN, who says for every dollar that is invested in unemployment insurance $1.61 is pumped back into the American economy. I hope that all of us can see the need for extending these unemployment benefits and move quickly to get our people voted back to be able to have the Senate do the right thing and pass unemployment.

Mr. GARAMENDI. Thank you very, very much for the view from the great Ohio Valley.

Before we started this 1 hour, you and I were chatting off the floor, and you raised another point and maybe the two of us can kind of talk about this for a second.

We're really faced with a choice. First of all, this is unemployment insurance. This has always been a program in which over time employers pay into a fund for insurance if their workers become unemployed. Because of the downturn in the economy, the Federal Government has had to backstop that insurance program. Presumably over time, we get the economy going, some of that will be refunded. I know it certainly will be at the State level because the States are obligated to make it back up.

But with regard to the individuals involved here, their unemployment insurance has run out. They have not received a check now I think for the last 2 weeks. If this is not extended, what happens to them?

Mr. WILSON of Ohio. Well, it is sad because what will happen is they will go down to the welfare level. They have to be able to have food and some way to be able to survive, and I think it is

the biggest part of cruelty and, secondly, I believe that the States are already scraping by with just not having the proper funding that they need. So to push this down to the State level would be catastrophic for a State like Ohio.

Mr. GARAMENDI. And a person that was working, was receiving insurance, is now going to be on welfare.

Mr. WILSON of Ohio. That's correct.

Mr. GARAMENDI. So there is no win in this, and once again, where's the Senate? I know what happened in this House. The Democrats almost universally voted for this. We were able to get 29 Republicans to vote for this unemployment insurance program, and only 29 Republicans did so. We were able to pass it; 153 Republicans voted ''no.''

So what's the sense of all this? It really raises the question in my mind because as we go through these bills that have been passed from this House, some of which have been signed into law, passed the Senate, signed into law, the Republicans universally vote ''no'' on these jobs bills and even on unemployment insurance. I don't quite get it. We were talking earlier about the workers, the first-time homeowner buyers, tax relief for small businesses, emergency relief for American families. That bill passed here with only 7 percent of Republicans voting ''yes'' and 93 voting ''no.''

Even on student aid, we're talking about men and women that want to go back to school, that want to be able to continue their education, and one of the most important ways to stimulate the future economy is to have a well-educated workforce; but in that case, that particular piece of legislation that passed this House would have increased the Pell Grants so that kids and adults could afford to go to school. What did the Republicans do? Not one Republican voted for student aid to help students go to school, to continue in school.

I'm curious what's going on here. I just noticed that my colleague from Connecticut has arrived here, JOHN LARSON. Maybe you can answer this or just tell us what is going on in Connecticut.

Mr. LARSON of Connecticut. First of all, let me thank the gentleman from California for organizing this hour, along with the gentlelady from California (Ms. LORETTA SANCHEZ), and I want to associate myself with the remarks of the gentleman from Ohio and join with you, well, frankly, out of frustration in terms of the kind of opposition that we're seeing in the United States Senate on an issue that's so important to people who, through no fault of their own, have found themselves in a situation where they are unemployed.

I think during this Bush recession as we persevere through the Bush wars and the Bush financial collapse, when unemployment has hit this country hard, when America loses $17 trillion in wealth and assets from March of 2007 to February of 2009, you begin to see why Americans are so frustrated with these circumstances, and while this administration under Barack Obama has created 6 million new jobs, the frustration remains amongst the American people.

In the midst of all of this, to deny unemployment benefits to those who are most in need, especially as the gentleman from Ohio has pointed out when we know that every dollar we spend in unemployment benefits creates $1.61 in the economy because the need is there to spend.

Franklin Delano Roosevelt said it best about our colleagues on the other side of the aisle. They are frozen in the ice of their own indifference; frozen in the ice of their indifference to people who are without work; frozen in their icy indifference between the need to invest in America and make things here in America and put this country back to work; frozen in an indifference that has them preoccupied politically and obsessed with blocking every item of the Obama agenda, even if it means providing unemployment to those who need it, even if it means providing health care to those who have had their policies rescinded or have found themselves in a situation because of a preexisting condition where they were denied coverage.

This is the kind of thing that has frustrated Americans. I am proud to be associated with the gentlemen who have come to this floor this evening to speak out on behalf of their constituents, speak out on behalf of the administration, and point down the Hall where they need to come and work. More than 314 bills that have passed the House of Representatives have gone unattended to down in the United States Senate and, most importantly, including unemployment benefits.

Stay in over the weekend. Do your work. Put America back to work. Provide those with the benefits that need them so that we can keep this economy going and so that we can restore the faith in the American people and their government.

I thank the gentleman from California for organizing this important hour on this very timely and important issue and thank the gentleman from Ohio for joining him.

□ 1710

Mr. GARAMENDI. Mr. LARSON, thank you so very much. You've brought a great deal of passion to this. I know it's in your heart. I know that you see this problem in your own district among friends and others who are there.

I want to turn back to my colleagues from Ohio and California in a moment. I said there were seven pieces of legislation that have passed and have been signed into law. I'm going to go through them quickly because in their own way each one of these has created economic growth and jobs here in California, in Ohio and in other States across the Nation.

I mentioned the American Recovery and Reinvestment Act. We talked about the Worker, Homeownership, and Business Assistance Act; First Time Homebuyers. The gentleman from Connecticut talked briefly about insurance reform, the way in which the insurance system discriminates against women, against people who have preexisting conditions. That insurance reform was embodied in the Health Insurance Reform Act that passed this floor and not one Republican voted for it. There will be a day of reckoning when somebody out there says, My 23-year-old daughter can stay on insurance now because the Democrats and President Obama passed the Health Insurance Reform Act.

Student aid. We talked about that a moment ago. It is extremely important, so that adults can go on to school, can stay there, improve their employability, learn new skills; and as the economy is coming back, will be able to get a job.

This one I found to be personally very upsetting because my old clunker didn't qualify. I actually did not register it in California. By the time you passed this, I wasn't here. It wasn't registered and I couldn't get rid of my clunker. But 700,000 cars were sold as a direct result of the clunker law and it really did help American automobile manufacturing. I know that a lot of people say that Toyota got more than its share, and it did, but a lot of that share were Corollas that were manufactured in Fremont, California; Toyotas to be sure, but nonetheless they were manufactured in California.

We talked about the HIRE Act. Incidentally, 95 percent of Republicans voted against the Cash for Clunkers law. The Hiring Incentives to Restore Employment Act, the HIRE Act, created 300,000 jobs. Created. Not some wish list but actually created 300,000 jobs and unleashed billions of dollars of infrastructure across the United States—streets, roads, sanitation facilities. Cut taxes for businesses that hire new workers that had been unemployed and cracked down on offshore tax havens.

Oh, this one I love. I'm going to come back to this one.

Again, 97 percent of Republicans voted against that program. Three hundred thousand jobs. They voted against it. What are you guys doing? We need to put people to work.

Finally, one that most of the Republican leadership opposed, eventually it did become law and many, many Republicans voted against this one, which was the Credit Cardholders' Bill of Rights. Which one of us has not been ripped off by some credit card scheme or scam? But this really gives those of us that have credit cards—and I've got more than I'd like to say in my pocket right now—gives us at least a little bit of an equal footing here on that.

So here are seven bills, all of them in one way or another providing in this case credit, the opportunity to get reasonable credit; hire people; cash for

clunkers, education; health care and other kinds of stimulus. Democrats in this side took it upon themselves to shoulder the burden, to pass the legislation necessary to put people to work.

My final point before I turn back to my colleagues is that the argument that I keep hearing is that it will raise the deficit. Yes. But we ought to understand where the deficit really came from, and we'll go through that. The deficit was really created as a result of three things. Keep in mind that when Clinton left office, this Nation was in a surplus. We were running a surplus of over half a trillion dollars. George W. Bush came in and did three things that created as he left office for the next 10 years, an $11 trillion deficit:

One, he started two wars, Iraq and Afghanistan, and didn't pay for them; really the first time in American history. Secondly, he started Medicare part D, the drug benefit, I think 700 to $800 billion in 10 years, not paid for. And thirdly the great recession with the financial collapse. Those three things added up, beginning the day that Obama took office, he was handed a $1.3 trillion debt, given to him by the Bush administration. And if you look at the years out, continuing the Bush policy, that would add up to an $11 trillion deficit.

We've got to put people to work. The question that I always ask is, do you want tax takers, welfare recipients, who cannot get a job, cannot get unemployment insurance, or do you want taxpayers? The Democratic House has voted consistently to put people to work so that they could become taxpayers.

Ms. LORETTA SANCHEZ of California. If the gentleman will yield just for a minute, when we as Democrats look at what is it that we can do, if we are going to spend money, we should spend money to invest in America. There are four major things in Economics 101, or any other book you read on economics, that will tell you how to increase the productivity and the innovation of a nation, because that is how we compete, by increasing the productivity of Americans. The first is, you have to have an educated workforce. Some of the bills that my colleagues mentioned are about education, education, education.

Mr. GARAMENDI. Excuse me. If I might interrupt, there is some House business that needs to be attended to. I notice our colleague arriving from the Rules Committee to take care of some House business.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5114, FLOOD INSURANCE REFORM PRIORITIES ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–537) on the resolution (H. Res. 1517) providing for consideration of the bill (H.R. 5114) to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## A DISCUSSION ABOUT JOBS—Continued

The SPEAKER pro tempore (Ms. FUDGE). The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Please continue.

Ms. LORETTA SANCHEZ of California. As I was saying, there are four basic things that you can do to increase the productivity of your people, to increase innovation, if you will, of our Nation. The first is to educate your people. We have been putting money into that, including the GI Bill that we passed over a year ago. Health. If your workers aren't healthy, they can't go to work. So the health care reform. Incredibly important. Transportation. How do you move people and goods? That was part of the Recovery Act, when we said, let's build high speed rail; when we said, let's put in systems of water and sanitation that work for our people. And, number four, communication, investing in innovation and communication for people; in broadband that we've been putting across our Nation.

So that is the way we increase the productivity of our people. I have to say that on this side, on the Democratic side, even though people have been saying that we have been deficit spending, I say to them, anytime that you can invest in the American people, the American people will pay you back four or five or tenfold on that investment.

□ 1720

So I am again proud to stand here with you and talk about the accomplishments of this Congress.

Mr. GARAMENDI. Let's turn to Ohio, and we will continue on with the story of jobs and what it means in our local districts.

Mr. WILSON of Ohio. In addition to supporting those that are out of work with unemployment benefits, we need to support small business so that they can create more job opportunities for our workforce.

Why aren't small businesses hiring? On NPR this morning, one small business owner said it as clearly as anyone can say: Small businesses are not hiring because they don't have to. We need to create an economic environment that makes it necessary for small business to hire.

As we all know, 60 to 80 percent of the new jobs come from small businesses. Most Americans get their first jobs at a small business. I know I did. And the small businesses on Main Street are the ones that will lead our economic comeback, not the big businesses on Wall Street.

So what can we do here in Congress to help small business? Access to credit is one of small business's biggest challenges. For small firms to play their job-creation role, they need the right tools to work with, and without the access to capital, small businesses have a tough time staying afloat. According to the SBA, without access to affordable credit, small enterprises are twice as likely to fail compared to businesses that can find credit. They must be able to access capital to be able to get their new venture off the ground or expand their operations.

Given how tight credit markets are, that is a challenge that every business in every community is encountering. That is why Congress has taken steps to address these problems.

Legislation that Congress passed in February strengthened the SBA lending programs and made them even more usable for small business. This important new law does a number of things to help small business. It provides interest-free loans of $35,000, giving that shot in the arm, the immediate cash to cover existing business obligations.

It makes it easier for small business owners to get small business SBA loans, and that is cutting away much of the redtape. So many people have stayed away from SBA because of the redtape that has been cut back significantly or eliminated in many cases.

This will reduce the cost of loans. It helps small firms raise equity and capital. In total, the new law will generate $21 billion in new lending and investment for small business.

These programs, when paired with existing programs at the Small Business Administration, will help business to continue and America's small business weather the storm and lead us back to prosperity.

In addition, I support the Small Business Lending Funding Act. The bill would boost funding to small business by investing capital in community and smaller banks. The more that participating banks increase their total loans to small business, the more favorable the terms become.

Finally, I also support the Small Business Jobs Tax Relief Act. It is a companion measure to the Small Business Lending Fund that will help small business grow and create new jobs through, number one, 100 percent exclusive of small business capital gains, small business penalty relief and increased deductions for startup expenditures.

Again, I would like to thank Congressman GARAMENDI of California for convening this session, and I am happy to be with you and share with you some of the problems and issues and solutions we have in Ohio.

Mr. GARAMENDI. I thank you so very, very much for raising the critical role of small business in creating jobs. It is where many of the jobs are created, as you so correctly stated.

You also referred to two bills that passed this House, H.R. 5297, which was the small business lending program,

and it did all of the things you said. There is actually $30 billion in that that would be available to community banks to deliver loans to small businesses, $30 billion made available to them.

There is also a requirement that they would have 10 years to pay back those funds. So it would go on the books of the bank as a loan, but it would be a long-term loan so that they would have the capital. I am told by the small businesses in our area that they were able to get $1 million of capital, which this provided up to $30 billion to small banks. If they could get $1 million of capital, they could then make $10 million of loans. So there is that kind of leverage involved here.

That bill passed this House with 98 percent of the Republicans voting no. Now, I don't know how many times I have sat here on the floor and listened to our colleagues on the Republican side of the aisle talk about their support for small businesses. But here where they had a concrete chance to help community banks and small businesses, 98 percent of them voted no.

You mentioned the small business tax incentive program, $3.5 billion of tax incentives for small businesses to specifically help small businesses weather the storm. It also granted tax relief from penalties that they may have had from mistakes that were made in the past. Again, a bill specifically designed to help small businesses.

Ninety-seven percent of our Republican colleagues voted no on that. So don't come to the floor and say you are for small businesses when you had a chance to vote for legislation that would specifically help small businesses.

There is another one that just came to me. We actually passed it and it is a good bill, it is important for many reasons. But I got a phone call last Saturday from a friend who was—''was'' is the right word—was a home builder in California. He built many homes, high quality homes, was deeply involved in making those homes as green as possible, large energy conservation in solar and the like.

He said, JOHN, you have got to make sure that the HOME STAR programs that provide an incentive for homeowners to upgrade their home so that they can install triple pane windows, insulation, the cash for caulker things. They are really important, because it gives the homeowner a chance to reduce their annual energy bill, whether it is heating in the winter or air conditioning in the summer.

He said, beside that, it is my new business. It is my new business. I am not building homes for a while because of the market in the area in which he was working, but he said I am going to existing homes and giving them the chance to make their homes energy efficient. I can make some money, they will make some money.

There are other programs that are out there that provide additional assistance such as tax credits, and I want to come to that in a few moments.

So when that bill was on the floor, what happened? Where do you stand? Do you stand with homeowners and small businesses such as I just described, or are you standing for Wall Street?

Well, let's find out. Ninety-three percent of the Republicans on this floor voted against the HOME STAR energy program. I don't get it. I don't get it. We are saving energy, helping us consume less energy, giving people an opportunity to work and homeowners an opportunity to reduce their energy bill.

I don't know what that means in Ohio, but I do know what it means in California. It is a chance for a small contractor to change his business model and to move in a direction that is good for him, good for the homeowner, and good for America.

Mr. WILSON of Ohio. I believe that we have seen examples of this back in my district in Ohio also. We have seen a roofing company that we just visited last week, and they have come up with a new type of roof that is a green roof that actually has vegetation growing on it. It not only keeps the inside of the building cooler, but it is much more pleasant to look at.

Another option they had was a white roof instead of a second, and I was amazed. With that white roof, Congressman, you could hold your hand out like this and just feel the heat reflecting back off that roof versus going into the building. These are the type of energy efficiencies that we are going to have to look at as we move forward in our country to become the leader again.

Mr. GARAMENDI. These are the kinds of jobs that really don't require a Ph.D. People can take these jobs that were working on the line in a manufacturing industry or working in the housing industry. They may already have some skills that are available to them. But there is an enormous, enormous potential here. And the other pieces of legislation provide for a tax credit to the homeowner to put in these systems. So we need to really move along on these kinds of things.

I am going to just run through another series of bills here that are very important to us, I believe. Again, this is the Jobs For Main Street Act that creates jobs for firefighters, for teachers, and to rebuild highways and the like, extending health care benefits for those who had lost their insurance because of the downturn, something as sensible as keeping teachers employed, something as sensible as making sure that firefighters are still there.

Yes, it is the Federal Government helping local governments. It is true. And it is a deficit issue. But what if we don't have teachers? What if there are teachers being laid off and the classroom size goes from 20 to 30? What about the next generation's ability to compete internationally, their educational opportunities are stifled? That is not a what-if. That is my daughter's classroom. She is a teacher, first grade. She has gone from 20 to 30.

The economy is down. The State of California is in financial trouble. The Federal Government has the ability to help here, to keep people employed, teachers in this case, others in schools, and, more importantly, make the most fundamental investment, which is the investment in the education of our children.

You may be seeing something like that in Ohio. I know it is a major problem all across this Nation.

Mr. WILSON of Ohio. We are seeing that in Ohio, and we are working on our education. We are trying more than ever to get the reading programs going as best we can.

What we found out, Congressman, is that when a child can read and comprehend, the science and math scores go up and the discipline problems go down. So the education and the development and work that we have going on in the State of Ohio is something that our governor has been very firm about, and is not giving up the fight for a better education for our children.

Mr. GARAMENDI. Well, these things are critically important.

One more bill that I want to take up before I turn to what we can do next is a bill that dealt with the fundamental reason that the American economy crashed in 2007–8, and that was the meltdown of Wall Street.

□ 1730

The extraordinary greed, the games that were being played, the gamble that was being made with our money by Wall Street led to the collapse. Obviously, the housing industry, the subprime mortgage market, the collateralized debt obligations, the derivatives, all of those games were being played on Wall Street. For more than a year—almost 2 years now—this House, the Democrats, have fought to rein in Wall Street; to force Wall Street to operate with rigorous rules that hold them accountable and responsible. We finally succeeded late last year to pass a Wall Street Reform Act. It went over to the Senate. It took almost 9 months for the Senate to gestate a bill. Conference committee took place. The conferees met. The bill came to this floor. And we added a few provisions to the—the bill came to the floor and it passed with provisions that were added during the conference committee. A good bill. It does rein in Wall Street, does set clear rules. It makes it impossible for a bank to fail and for taxpayers to bail out a bank—a big bank. There are things in it that went beyond that. Providing opportunities for small banks. Some of the additional benefit to small banks. They were given a break so that the heavy-duty regulations that were imposed on the major banks were not imposed on the small banks.

Where do you stand? Do you stand to rein in Wall Street and finally bring to

heel the bankers that brought this Nation's economy to its knees and doggone near tanked the economy, putting us into a Depression equal to 1930? Do you stand with that kind of regulation or do you stand with the Wall Street bankers that said say, Oh, trust us. We'll never do it again.

The Democrats in this House carried the burden of reining in Wall Street, setting in place the regulations, setting in place the rules of the road going forward, hopefully preventing, and I think will prevent, the kind of meltdown that we had. Our colleagues on the Republican side to a person voted ''no'' when it came time to discipline Wall Street. They voted ''no'' when it came time to discipline Wall Street. You know where you stand when you vote here in this House. In this case, do you stand with the regulation of Wall Street or let them continue doing what they did? It's clear where we stood as Democrats.

Now, Representative WILSON, would you like to add to that?

Mr. WILSON of Ohio. Yes, I would. Thank you. I believe that the other thing that needs to be said here, too, is Democrats stood strong for financial reform by making sure that we never get in the position where the taxpayers have to bail out a bank again. There's no such thing as too big to fail anymore. There are further amounts I would like to have seen done. But in order to get it through, we had to lighten up some——

Mr. GARAMENDI. A compromise.

Mr. WILSON of Ohio. Yes, some compromise. But that being said, I truly believe that now we have taken the risk away from the taxpayers having to pay for really the reckless gambling and things that went on with the derivatives and how they accounted for them and how they were able to be manipulated. And really oversight is now on Wall Street—and it needed to be there all along. I truly believe we would have not had the meltdown we had had it been there in the first place. It is there now, and it will continue to help us in the future.

Mr. GARAMENDI. I was back in the district over the Fourth of July week and somebody said, Well, it's kind of like an NFL football game. I said, What do you mean by that? He said, Well, you used to play football at the University of California Berkley and you could have been in the NFL but you decided to go in the Peace Corps. I said, Yeah, it was a good decision. But what's the point here? He said, Well, you know, this Wall Street bunch, before your reform, it was like an NFL football game without any rules, and the referees were sent into the locker room. And you can kind of imagine what the outcome would be. Wild chaos and a lot of mayhem. He said, That's exactly what happened on Wall Street. The regulators during the Bush period stepped out of the room. The rules were not there to prevent the kind of excesses—if there were rules, there was nobody to make them obey it. And we wound up with the problem we had.

Let's move to the future here. So what are we going to do next? In the financial reform, Wall Street reform, there was a provision, and in another bill that we passed earlier there was a provision that is extraordinarily important to the American worker. In existing law today and for the last couple of decades there's been a tax break for corporations who offshore jobs—a tax break that literally gives a tax reduction when an American corporation sends jobs offshore.

You say, Excuse me, did I hear what you said, Congressman? You did hear what I said. What I said is, in the law today there is a tax break for sending jobs offshore. We have twice passed on this floor legislation that would end that tax break and annually restore to the American Treasury $14.5 billion that now sits in the popular corporations that have offshored American jobs. Must stop. It's got to be over. The Republicans voted with the corporations to keep that tax break in place. I'm not there. And I suspect you're not there, Mr. WILSON, either.

So we need to make sure that that bill that's sitting over there in the Senate where the power of one senator can simply stop everything, that it is busted loose and comes back so that corporations—American corporations—no longer get a tax break when they send American jobs overseas. Issue one. Let's get with it, Senate.

Secondly, this one really drives me crazy because this is really California. We've got solar in California. We started that in California. In 1978, I passed a law as a California State Senator that gave a tax break for the solar industry. The first in the Nation. And it started the solar industry. It also started the wind turbine industry in California. Right now, we're spending about $5 billion a year of tax money on buses; we spend billions of dollars supporting the solar industry with tax credits, some of which we've talked about; and the wind industry. We need, in my view, a law that says if it's our tax money, then it will be made in America. It will be used to buy American-made buses, trains, light rail. It'll be used to pay for solar panels and tax credits on the homes of Americans; panels and equipment that are made in America. It is, after all, our tax money. And with the windmills or the wind turbines.

In my district, we have two of the biggest wind farm areas in the Nation. We've got the Montezuma Hills in Solano County, which I represent, and we have the Altamont Pass area in Alameda, and San Joaquin County. Many of the new turbines that are being put up are made overseas—and most of them are made in China. And I'm going, Wait a minute. We're giving them a tax credit, those companies that own these machines? We're giving them a tax credit to buy turbines that are made where? China? No way, no how. There ought to be a law. And I believe this Democratic Party and this floor is going to put such a law together.

□ 1740

I think we've got about 10 minutes left, and I just noticed a colleague from the great Midwest just arrived. Congresswoman KAPTUR, thank you so very much for joining us. I know you and I have had conversations about jobs, and I know that your part of the country used to be manufacturing center one. I guess the two of you can debate that. But let's talk about these kinds of things. How do we restore American manufacturing?

Ms. KAPTUR. Well, Congressman GARAMENDI, I just want to say I thank you so very much. You are from the State of California, a State that's about four times as large as ours, maybe five, with 53 million people. We have over 11 million people in Ohio, but we are a State that has had to grow our way forward, to build our way forward for so many generations. We really aren't federally dependent in the sense that we don't have gigantic bases. We do have Wright-Patterson Air Force Base in the city of Columbus, our capital. But the rest of Ohio has to either mine—and Congressman WILSON comes from a part of our State that actually supplies so much of the coal that is shipped to our region and others. We either have to grow in regions like mine—I represent a major agricultural region that abuts Lake Erie's southern shore—or we have to manufacture. We don't really have any choice. So we have to create wealth, basically.

And what's been happening over our country for many decades now is that we are amassing trillion-dollar trade deficits every year, which means all that spending benefits someplace else. Ten percent of the goods that are exported from China go to one company—Wal-Mart. They are a bazaar for Chinese goods.

We look at what you have pictures of up there, vehicles and wind turbines. I was just through a part of my district where wind turbines are going up now. We'd like to manufacture them as well as deploy them. And we are the solar capital of the Midwest—Toledo, Ohio, and northern Ohio. We are one of three centers on the continent, actually. People don't realize that we've built that off of our glass industry, and it is a new age for us. In fact, the largest solar field in Ohio was just dedicated in Upper Sandusky recently, and I have bases in my district—smaller bases, like the F–16 Fighter Wing and the 983rd Engineer Battalion and our Camp Perry—that have deployed solar fields.

So we are trying to move our region into the new energy era, but it's tough. It's really tough because we are on such an unlevel global playing field. Other countries aren't open to our products. And there is no question that unless we reduce that trade deficit and stop outsourcing our jobs to China, Mexico, every other place in the world,

we are not going to be able to create a strong middle class and maintain the middle class that we have today.

So I want to commend you for doing this Special Order tonight. We know that our future lies in wealth creation, and it has to come from places like Ohio that have to stand on their own two feet and pull themselves up by their bootstraps.

Mr. GARAMENDI. I thank you so very much, Congresswoman KAPTUR, for joining us.

The heart and soul of America's manufacturing sector was the Midwest, and Ohio at one point was the strongest part of America's manufacturing economy. I know it can be restored. And right here in this area with the rolling stock of America's transportation system, with the new technologies, whether they're wind or turbine, if we use our tax money to support these industries rather than to support industries that are located in China or other countries, I think we can then provide the kind of strength that will return to America once again in the manufacturing sector.

We're nearly out of time, and this has been a great discussion. I just want to turn for a few moments to another colleague from California. We do think that we are the biggest part of the American economy. And a big part of it happens to be where Congresswoman WATSON lives, which is the entertainment industry.

Congresswoman WATSON, I think we're out of time.

## THE GOVERNMENT, THE ECONOMY AND JOBS

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

Mr. AKIN. Madam Speaker, it's a treat to be able to join you this evening to talk about the things that are of great significance to our country and to every individual citizen that lives in America. I thought that as we got into the subject of where things are with jobs and the economy tonight I might start by introducing it in a little different way than we do sometimes here on the floor, and what I'm going to be talking about tonight really is the fact that there is this fundamental difference between Republicans and Democrats. And most of the fighting and argument comes really in the answer to just one question. It's kind of a really simple thing. And the question is this: What should the Federal Government do? That's really what divides us. That's what makes all the people here in this Chamber disagree with each other, and sometimes even scream and yell, but at least respectfully disagree with each other, because we have a fundamentally different idea of what the Federal Government should do. That's a huge part of what we discuss. And, of course, the more that the Federal Government is going to do, it is going to cost more. And the more that it costs, the more regulations and all that you have, the more laws that are passed. And, inevitably, as the government does more, people have less freedom.

So there is some sort of a question, well, you know, what should the Federal Government do. So we're going to be talking in a way about that tonight because it is the question of politics, essentially. And of course the Democrat position is—it's almost like the law of gravity, that wherever there's a problem, the answer always is more taxes and more government. The government should fix that problem. That's what they think. And the Republicans always say, well, we want less taxes and less government, and they tend to go that way. So we're going to talk a little bit about that.

We're also going to talk about sort of a theoretical question that sometimes I used to ask interns. We had an intern program. These are students that are in college and are just about to graduate from college. And I would ask them this question, and that is, Is it possible for the government to steal? Can the government steal from people? And you'd see they'd get these quizzical or puzzled looks on their faces. Can the government steal? Well, what does that mean? And you'd see them thinking, Well, I guess it's impossible because the government can kind of do anything they want and, therefore, the government can't steal.

Of course if you come to the conclusion that the government can't steal, then that means that you believe the government owns everything. Do you really believe that? Many people are taught that in school. As they get older, as they work hard for a living, they start to take a different perspective. They worked hard for that dollar bill, and they're not so sure they want the government to confiscate it.

Anyway, we are going to be talking a little bit about the conditions in our economy and where we are. Why is it that we have a problem with jobs? Why is the economy flat on its back? Why do we have a sense that things are not well in America? And there are some answers to those questions. It's not complicated. We simply look to the people who have gone before us and see what those are.

I am joined here this evening by a new Member of Congress, a young man that shows tremendous promise and is joining us here on the floor tonight from Georgia. Georgia seems to be a good State for growing congressmen. And my good friend Congressman GRAVES is joining me on the floor here tonight from the State of Georgia. We are here early enough that it may be that even some of your constituents will have a chance to say, Hey, that's my guy. We sent him to Congress, and he's doing a great job.

Welcome, Congressman, and we are going to get into things here in just a minute. I thought I might start, though, by going back a little bit to how did this economic problem come to be.

□ 1750

And of course history just kind of continues to go along. But if I had to pick a point, this is kind of an interesting one. This is September 11, but it's not 2001, it's 2003, 2 years after the attack on New York City, September 11, 2003.

This is the New York Times, not exactly a conservative oracle, is reporting some news and this the news. It says that the Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis nearly a decade ago.

And it goes on to say that under the plan disclosed in the congressional hearing today a new agency would be created within the Treasury Department to assume supervision of Fannie Mae and Freddie Mac. Why? Because they just lost about a billion dollars, and they weren't running their house very well.

Now, Freddie and Fannie are not government organizations. They're quasi-government. And when Freddie and Fannie started doing some wild and wooly things economically, the problem was that the assumption was the Federal Government would come and bail them out. And so Freddie and Fannie are getting out. This is 2003. Real estate market's booming.

President Bush says, watch out, Freddie and Fannie are getting in trouble. I need more authority as President to control Freddie and Fannie. Freddie and Fannie, paying many lobbyists up here on the Hill, dishing out hundreds and hundreds of thousands of dollars, thousand dollar bills, just passing them out all over here. So there's Freddie and Fannie. They're starting to get in trouble. President Bush says we've got to regulate them.

Now the Democrats, on the other hand, the guy who is now in charge of taking care of regulating Freddie and Fannie because he's in the majority now, this is Congressman FRANK, the Democrat, he says, these two entities, Freddie and Fannie, are not facing any kind of financial crisis.

Well, that's interesting. We, of course, 20/20 hindsight we say, well, obviously you were wrong. I'm sure he would admit he was wrong. They were facing a financial crisis. And as Freddie and Fannie start to crash and collapse, we start to see the recession that's upon us. And so that was a piece of it.

Now, Freddie and Fannie, their whole concept was that we're going to require banks to make loans to people who really can't afford to pay the loans. Now, how that's compassionate I'm not so sure because I wouldn't want to be in debt to some loan for my home that I couldn't afford to pay the mortgage payments on.

But many people were encouraged to take loans out on houses because they're going up in value so fast during those years. You just go ahead and take the loan, postpone paying any interest payments. Five years later turn the house over, you doubled your money. It sounded good for a while until the music stopped, and then you didn't have a chair to sit in. And so we have the beginning of this financial problem that was based on liberal social policy that said that banks have to loan money to people who can't afford to pay those mortgages, and we'll just sort of sweep it under the carpet.

Well, then as the economy crashes, what happens? Well, we go back to the same old mistake we've made in the past. Unfortunately, with the stimulus bill the Democrats didn't learn from their mistakes. I wish they would learn from other Democrats. They may not want to learn from Republicans, but at least learn from other Democrats.

This guy, Henry Morgenthau, is Franklin Delano Roosevelt's Treasury Secretary, and he's the one that started with the recession which turned into the Great Depression because they did the wrong things.

So he says now, after 8 years—their idea was that if you grab the loops of your boots and pull hard enough, you can fly around the room. The idea is if the government spends enough money, it will make the economy do really well. And so they tried it for 8 years. And this is his report to Congress.

He says, We have tried spending money. We're spending more than we've ever spent before, and it does not work. I wish they heard those words: ''it does not work.''

I say, after 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot.

You want to know why we've got unemployment? Because we haven't learned from going back even to FDR's Treasury. This was Keynesian economics. It says if the government hires a whole lot of people, spends a whole lot of money, it's going to make the economy okay. But the trouble is, it doesn't work.

I'd like to ask my good friend from Georgia now, Congressman GRAVES, if you would just join us. Let's talk a little bit about this whole situation because I don't want to be just critical of the Democrats. I will be critical of them, not because I don't like them, but because they're wrong. Their economics are wrong. They're doing the wrong thing. They're hurting the American public.

People are out of jobs, and what we need to do is say, that's not the right way to do it. But we have to have a good solution. We have to offer something constructive.

And let's talk about that. I yield.

Mr. GRAVES of Georgia. It's great to join you tonight on this discussion. I think it's the number one discussion going on across America right now, and that's our economy, how's it going to get back on track.

And we've seen 15, 16 failed months of economic policy coming out of Washington, DC right here. And as I spent my time on the recess, and I had the opportunity 31 individual times to speak to various groups on those 12 days, I can tell you the economy is on the tops of the minds of the people.

Mr. AKIN. It sounds like the people from Georgia got their nickel's worth out of their Congressman. Thirty-one separate meetings?

Mr. GRAVES of Georgia. Thirty-one separate addresses or speeches over 12 straight days.

Mr. AKIN. I wouldn't want to be your car.

Mr. GRAVES of Georgia. But I can tell you, it's the number one topic on the minds of north Georgians, is how to get this economy back on track.

But what astonished Georgians so much was that just 4 days before July 4, the day of independence, the day of celebrating independence from tyranny and bondage of years ago, 4 days before that, $167 billion of indebtedness was created on 1 day here because of the Federal Government. That's the numbers, 1, 6 and 7, with 9 zeroes behind it, a phenomenal amount, nearly $1,500 per person here in the United States just on 1 day.

Mr. AKIN. You're saying $167 billion of indebtedness just up to the time of just before the 4th of July?

Mr. GRAVES of Georgia. No, just on 1 day. That was June 30, June 30 of this year alone, which was more than the deficit of 2006 altogether.

And you look at the stated budget of the State of Georgia, the annual budget is about $17 billion today. So almost 10 times the budget of the State of Georgia for an entire year was borrowed in 1 day here for the Federal Government.

Mr. AKIN. Wow, that's a lot of borrowing.

Mr. GRAVES of Georgia. So Georgians want to know how are we going to get back on track. So I spent part of my time this week on what I was calling my Economic Advisory Tour. We decided we're going to tear down the walls that we see here in Washington where Washington is not listening to the constituents. Instead, we're going to open up communication. Instead of Washington pushing down ideas on job creation on the private sector, why don't we get the ideas from the business leaders themselves, the risk-takers, the entrepreneurs, the ones that have the vision and the dreams themselves.

And so we had a great tour this week. And we came up with a simple formula. We're not that far away. In fact, we have, what, in America, 17 million Americans without a job, 27 million businesses all throughout the Nation; and we know all those businesses want to expand, succeed, have a profit because we believe profit's a good word here in the Republican Caucus.

But you have 17 million unemployed. You have 27 million businesses, so the formula is simple. If just one business out of every three would hire one person in the next 12 months, unemployment would be cut in half. And you know what? I didn't say government.

Mr. AKIN. That's pretty straightforward. All you have to do is just create one job per every three businesses, and there's no more unemployment.

Mr. GRAVES of Georgia. And we didn't say if government would hire one more American. We said the private sector. So the question comes down to this, and this is probably what would be a great discussion tonight is, Why? Why are businesses in north Georgia and all across this Nation saying, you know what? I'm not going to hire somebody right now, even though I want to. I want to expend my business. I want to see my profits grow, my sales increase. I want to invest in capital, but I'm not right now.

Mr. AKIN. Not going to do it. Hey, you know, I'd really like to pick up because, as you said, there are people sitting around having dinner in America. In fact, I'm a little hungry myself. I'm going to look forward to getting some chow. But they're sitting around there talking about the same things you and I are talking about here tonight.

And we've talked about one solution, which was the government takes $800 billion. That's what the Democrats did with their stimulus bill, and they said, if you don't pass this stimulus bill, do you know what's going to happen? We might get unemployment as high as 8 percent if you don't pass this stimulus bill. So the Republicans didn't vote for it, but they pushed it through anyway. Spent $800 billion.

And it really wasn't even good old FDR, you know, ''stimulus.'' It wasn't concrete to build hydro-plants or roads. It was basically taking money from one State, like in the State of, I don't know about Georgia, but Missouri, we're fairly conservative and we have a balanced budget, and we're not overspending. And yet you've got Illinois or California, they're overspending on the pensions of a lot of, like, teachers and things. So they take money away from our States, and I assume Georgia is probably a little bit more cautious fiscally. They take money away from our constituents and send them to the other States where the governments have been out of control spending.

Well, anyway, so they get this idea.

□ 1800

Mr. GRAVES of Georgia. Wealth redistribution.

Mr. AKIN. The old wealth redistribution. The old socialism deal. So anyway it is $800 billion. And here is what actually happened. This is putting people back to work the big government, Democrat way. Look what happens to the employment in the private sector. It's this white line. So 2007, 8, 9, 10, you see there is unemployment. And yet if

you take a look at the red line, that's the Federal Government. It's hiring all right. Instead of letting the businesses keep some of their money and hire people, instead they're hiring government workers. So that's how it works.

Mr. GRAVES of Georgia. If I remember right, what, about 700,000 temporary workers for census data gathering, which already a third of them have been laid off.

Mr. AKIN. The trouble is really the government can't stimulate the economy. The whole assumption is silly, because all the government does is takes money and spend it. But if you hire a government employee, does that create a job? The answer is no, because for every one government employee you have two jobs you have lost from the private sector because you are sucking money out of the private sector. So when you have the government spending a lot, you take jobs away. That's what's going on. That's why the jobs are going.

Mr. GRAVES of Georgia. If I could expand upon that, because you make an interesting point. Because what I have started to understand, just from talking to business owners, is that the labor pool is a zero sum game. You are either in the private sector or you are in the government sector, one or the other. And so as the government sector expands, you are actually drawing intellectual capital and wealth out of the private sector all together and expanding the governmental sector. So the inverse of that would be if we want to shift some intellectual capital and wealth back to the private sector, we must shrink the governmental sector.

Mr. AKIN. It's one of those things, it's sort of an inevitable law. And you can't just let the government continue to grow and grow and grow, because eventually it takes over everything like a cancer.

Mr. GRAVES of Georgia. I guess to illustrate that point even more clearly, let's assume government is the solution here. And we hear a lot of people say government's the solution. So why don't we make every American a government employee? Why wouldn't we do that if everyone could have—

Mr. AKIN. Don't you go giving people ideas here in D.C. Somebody will try and do that you know.

Mr. GRAVES of Georgia. But they say that's the solution, to expand government. That's what creates jobs. So why don't we do that for everyone?

Mr. AKIN. Of course, obviously, that doesn't work, does it?

Mr. GRAVES of Georgia. It doesn't work. Why? You are right. The answer then is the private sector.

Mr. AKIN. This is what was promised with the government bailout. You know, we are going to do the stimulus bill, $800 billion. And if you do the stimulus bill, these are the numbers the administration and the Democrats said—this is what's going to happen to unemployment; it's going to go down. And if you don't pass the bill, they said this is what's going to happen. But we did pass the bill, and that's what happened. Obviously, their economics don't work. They don't understand the facts.

So where have we gone? Here is the picture right here. This is the nasty little secret down here. You remember hearing that they used to say that George Bush spent too much money.

Mr. GRAVES of Georgia. Right. Eight failed years, if I remember right.

Mr. AKIN. See, those are these blue years, was George Bush. And then right here was a Bush year, but this is when Speaker PELOSI was in charge of Congress. So this was in a way, if you give Bush credit for when PELOSI was in Congress, Congresswoman PELOSI, then this would be his worst year, which is about $460 billion worth of deficit. That's his worst year.

The next year, 2009, was when President Obama and the Democrats ran everything. Take a look at this jump. My goodness, it's a three times worse deficit than the Republicans had run under Bush, and Bush was spending too much money. And I agree we were spending too much money. And then the next year, 2010, it's even worse.

Mr. GRAVES of Georgia. So if you go back to your other graph that talked about employment and the growth of employment, or I guess in our case what we are talking about is the growth of unemployment today, you would see it probably correlates with that deficit spending.

Mr. AKIN. If you spend more money, look what happens. You start to lose jobs.

Mr. GRAVES of Georgia. Yeah.

Mr. AKIN. Now, does that make sense? Is that logical? Now, you know, I was talking to a bunch of people, too, as I went around my district. And you know, people make economics way too complicated. I said, look, it's not that complicated. It's like a lemonade stand. Just picture you run a lemonade stand. It doesn't have to be complicated. And if you want a little business, if it's a lemonade stand or a machine shop or whatever it is, you want to make some jobs, you want to do some jobs, what you want is you have got to allow the guy that owns it to make enough profit from it so that he will add another wing on it, and he is going to sell tea mixed with lemonade, and then he is going to have peach lemonade, and different things and different products, different people. So as he expands his business he hires more people.

But in order to let him do that, first of all he's got to keep enough of his profit to be able to invest it back in his business. I mean it's isn't complicated. Don't make economics so hard. And so I am sure you are talking to your constituents. My constituents are nodding their head up and down, yeah, I understand that. Not that complicated.

So if you want to know what's going to kill jobs, the first thing is excessive taxation. It's just a killer to jobs. Where does the government get all its money? Taxation. Did you talk about that back in Georgia?

Mr. GRAVES of Georgia. We did. And I know we are moving to solutions here.

Mr. AKIN. Good.

Mr. GRAVES of Georgia. It's easy to look back and sort of, I guess, bash the policies of the last several months, but what's important right now as a Nation is looking for leadership. I mean there has been a lack of leadership coming out of Washington for some time now. The Nation's looking for leadership. They're looking for a vision. They're looking for a plan. And what we have discovered is it's about certainty in the marketplace. When the marketplace has a little bit of certainty about what's going to happen in the future, that creates confidence. There is no confidence in the business marketplace.

So your first point up there is excessive taxation. The one thing that is certain right now is that because of inaction right here in Congress because of the Democrat leadership, taxes will go up this January of 2011. Capital gains will rise. Dividend tax will rise. Every income tax bracket will rise. The death tax will rise. The marriage penalty will rise. All of those will rise. So if we want to bring some confidence back to the marketplace, we would make those tax cuts permanent, wouldn't you think?

Mr. AKIN. You are absolutely right. I think you are hitting a couple of different points in this chart. The first one I am talking about is excessive taxation. But taxation also creates an economic uncertainty. And if you have got that lemonade stand and you don't know what's going on, you think maybe a tornado is coming, or maybe there is a tornado coming from Washington, or whatever it is, what you are going to do is you are going to hunker down. In Missouri, we use the word hunker down. I don't know if there is a verb to hunker or not.

Mr. GRAVES of Georgia. You know, that's a favorite Georgia Bulldogs statement.

Mr. AKIN. Is it? Okay. Anyway, if you are talking about economic uncertainty, if you don't know what's going on as a businessman, what you are going to do is you are going to be very cautious, very conservative, and you are not going to hire a bunch of extra people.

But let's take a look at these job killers. Excessive taxation. Lets's take a look at what's coming down the pike. You have to be able to see. This is the largest tax increase in history unless Congress is going to act to deal with it. First of all, for married people the standard deduction decreases if you are married. And then parents, you have a child tax credit, it will be cut in half from a thousand to 500 per kid. If you die this year and you have an estate, you pay nothing. Next year if you die, 55 percent tax on it.

You are a small businessman. You have gotten to be 80 years old. You got your business all going, it's really doing good. It's actually a farm. It's 1,000 acres with some big pieces of equipment. It's worth $10 million, your farm is. And you up and die this year, and you pass that farm on to your son and he runs it, no problem. Next year same thing happens, you got the nice farm, got it all set up, you die, the government says, hey, taps your son on the shoulder, I need 55 percent. But he says wait a minute. If I take half the land of the farm then it doesn't make the thing work economically. I can't run the farm on half the land and half the equipment. If I have to sell 55 percent of it, you are going to put me out of business. They say you don't understand. You owe the IRS 55 percent of the cost of that farm. And so that small business closes down next year because of this policy.

Because what are we doing? Largest tax increase in history. Take a look at some of these tax increases. If you are paying 10 percent, you are going to be paying 15 percent next year. Those who are paying 25 percent of what they earn, they are going to be paying 28 percent. Those paying 28 are going to go to 31. Those paying 33 are going to go to 36. Thirty-five is going to go 39. Capital gains, dividends, death taxes. All of this stuff is going up.

Mr. GRAVES of Georgia. Now, if I remember right, a couple years ago we heard a lot about hope, a lot about change. Taxes were not going to go up on the middle class if I remember right. But if I look at your charts, it's clear that the taxes are going to go up on not just the middle class, but every class. Everyone will pay taxes, regardless of where they are on the economic spectrum whatsoever. And as a result, businesses will not hire as many individuals because their taxes are going to go up. And if businesses aren't hiring individuals, unemployment continues to rise. Unemployment continues to rise, it impacts everyone throughout this Nation. Again we are back in this crazy cycle.

Mr. AKIN. Same cycle again. So basically what you are saying is, let's say that you don't make hardly any money at all. And so you are saying to yourself, hey, I am not making much money, so I am not paying any income taxes. So do I care? I like it if the taxes go up.

□ 1810

Oh, no, you don't, because what happens if you have excessive taxation? You get no jobs. You know, you can't just beat up on businesses, say all businesses are bad and then complain there aren't any jobs. So if we keep soaking the owners of businesses with excessive taxation, we're going to have a problem with jobs.

So what the solution to these problems is—we're making it sound complicated. It shouldn't be complicated. It's simply that you've got to back off on taxes and back off on government spending. It's as simple as that.

Mr. GRAVES of Georgia. So the solutions aren't reform and takeover of various industry in this Nation. In fact, it's just the opposite, because in the 15 counties that I spoke to this week, they said, Look, just get out of our way. Let us once again be creative, come up with the ideas to dream and to expand my business. But don't put that next regulation, don't force health care upon me. Don't increase taxes right now at all. Instead, let us, the business owners, the entrepreneurs, the risk-takers, the ones who are willing to risk it all and work the hardest here and put it all on the line, allow us to do that without government interference.

Mr. AKIN. This is kind of an amazing chart. These are all different countries all around the world down here, and there's a little green line there. And this is the corporate tax rates. And this little green line happens to be the United States. And the only one with higher taxes on corporations is Japan. And we wonder, gosh, we can't understand why we've lost jobs in this country. Well, we've got the second highest corporate tax rate going, not to mention the taxes on individuals, as you're saying.

So we're not doing the job. And part of the reason we're doing all of this taxation, of course, is because we're spending too much money.

Mr. GRAVES of Georgia. It seems that there was a report put out by the Heritage Foundation that indicated that America is now classified for the first time as ''mostly free,'' I believe, given their ranking system. And that would be a great illustration. I don't think most Americans realize that America is second highest in the world when it comes to corporate tax rates, behind Japan, that all of these other nations that you have on this chart have lower tax rates than the United States of America. And we wonder why jobs go overseas to other countries.

Mr. AKIN. Right. And that's the thing. People get really upset. In fact, the Democrats that were talking before we came on tonight, they're very upset that all of these jobs went overseas. And I'm thinking to myself, Well, who's pushing all of the jobs overseas? You create an environment in America that is hostile to business and the jobs are going to go overseas. It is as inevitable as water running downhill.

And what do we do? We keep increasing taxes, increasing government spending, and the smart executives and corporations in America that have plants and facilities all over the world, they keep creating jobs. It's just the jobs aren't here. The jobs are going overseas because they've created such a hostile environment that the jobs aren't going to be here. And how do they make the environment hostile? Well, first of all, by too much in taxes, and the second thing, of course, is too much spending.

Here's a containment dome. We've had some trouble with oil leaking out of containment domes. And here's one. This is a containment dome. There's another containment dome, and it's not working either. It sure isn't working. Take a look at the rate of the spending that we've been doing. And the spending is always followed by, of course, a whole lot of taxation.

And so the first thing is, if you want to get this thing back on track, if you want to do the opposite of job killers, you want to create jobs, then what you need to do is you want to cut your taxation. This is one of those things I started out by saying I wish the Democrats would learn from the other Democrats, and one of them they could learn from was JFK. JFK had a bad economy and he did the right thing. He cut taxes. And when he cut taxes significantly, guess what happened? More jobs, stronger economy.

And the funny thing is—now this is sort of odd. If you cut taxes, the Federal Government will actually take in more money in revenue than if you didn't tax it. Have you thought about that? It's almost counterintuitive.

Mr. GRAVES of Georgia. Well, it explains exactly what we need to do. You're right. It's counterintuitive, but it works. Just as if that were to work, then the opposite must be true if you increased taxes. That means your revenue decreases. There is a great illustration in the State of Georgia. They're trying to increase the tobacco tax in order to fill a budget hole. But prior to that, the administration here had raised tobacco taxes. And as a result of the raise of tobacco taxes from the Federal level, income of the State tobacco taxes had decreased by 20 percent.

Mr. AKIN. So let's do that again, because these numbers are interesting.

You're saying Georgia basically did a little experiment along these lines. It was a specific tax on one product—that is, tobacco—and they increased the tax on tobacco.

Mr. GRAVES of Georgia. They were proposing to increase the tax on tobacco. Then they looked, and they looked at what had happened just prior to that. And it was the year before, and it was the administration here that actually raised taxes on tobacco. And as a result of that, the revenue for the State of Georgia actually declined 20 percent. Without the State of Georgia raising taxes, the Federal Government raising taxes, but the State of Georgia's taxes that they would normally collect from tobacco actually declined by 20 percent. This shows that when you increase taxes, you actually—productivity or consumption, all of those things, decrease and therefore it's more damaging to the economy.

Mr. AKIN. I was trying to explain that to some—because I give some of these talks to my constituents, and one of the ways I try to explain it is let's say that you're king for a day and your job is to tax a loaf of bread and you want to get as much tax revenue as you can by taxing bread. And so you go

through this little exercise in your mind and say, I can tax the bread $10 a loaf or one penny a loaf. If I taxed at one penny a loaf, nobody would notice, and I would get a penny times all of those loaves of bread. But if I got $10 on a loaf, wow, I could make a lot of money, but then maybe nobody would buy any bread because it's too expensive. So common sense would say somewhere between a penny and $10 you're going to come to an optimum place where you can get the most tax on it and people will still keep buying bread. If you increase it, you actually lose revenue; If you decrease it—so there's an optimum spot.

And what's happening is the government is taxing people so much, by increasing the taxes, it basically stalls the economy and so their revenue drops.

Now, if I were a happy socialist, if I were really one of these guys that wants the government to do everything for everybody——

Mr. GRAVES of Georgia. Is there such thing as a happy socialist? I mean, help me with that.

Mr. AKIN. That's the trouble. There aren't very many of them that are happy because they're so worried about somebody else making money that they don't think—if I were a happy socialist, I would want a strong economy so I had more money to swap around to my buddies, you see. But instead what we're doing is we raise the taxes so much, it kills the economy and we don't have as much money to work on.

Now, the Federal Government doesn't notice it so much, but State governments that have balanced budgets—Missouri has a balanced budget amendment. We have to balance a budget. And if you're a legislator or Governor, particularly in a State that has a balanced budget—and most of them do—when you have a recession, it is a tough time to be the leader of your State because people hate you because you have to keep cutting things to keep the budget balanced. Of course, down here, we just let it go.

Mr. GRAVES of Georgia. It's that print, spend, and borrow mentality down here.

What you were referring to a minute ago, there's a line of demarcation that I refer to as the tipping point that occurs. And whether it's an economy or anywhere else, there is a great book written on that very subject matter of how that occurs throughout time in various ways.

So what we need to do right now is look for solutions that tip the other way. I think we Republicans are certainly the ones for less taxes, less government, personal responsibility, and it's those positive solutions that I think Americans are looking for right now. They're looking for that glimmer of, I guess, sunshine out there that says we're going to get through this.

I'm telling you, we are going to get through this. We're going to get through this as Americans together working hard, once again, dreaming and not being dependent on the Federal Government to be the solution.

Mr. AKIN. You're absolutely right. I like the idea of being positive. And the solutions, one of them was JFK. He cut taxes, and the recession, after a period of about a year, turns right around and things go along well. Ronald Reagan did the same thing. Massive tax cut. As soon as he did that, the economy—takes a little while—the economy turns right around because there's money now being invested not in more big government but the businessman puts that money into different new ways of creating, buying another milling machine, another wing on the building, more money for research and development to come up with a better way to make a product. And all of those things together, when the money goes back to the small business man, they start to hire people.

I think—what is it?—companies with 500 or fewer employees employ 80 percent of Americans. So if those smaller businesses from 500 employees on down, if they got more money to spend on their own business, that's part of the solution. And everybody does better when that happens.

Of course, another thing that kills jobs is this insufficient liquidity. The businessman can't borrow money because it's all tied up in banks. Of course, we've got that problem going on now, too, and part of the reason is the government is gobbling up so much money with their incredible, incredible level of Federal spending which, once again, we point to this chart. This is what's happened under Obama the first 2 years of his Presidency. It's three times more deficit than Bush, in his worst year, had.

So this liquidity is a big deal to the businessman. And the banking rules right now make it hard for small business men to get liquidity. And as you mentioned, the economic uncertainty. Who is going to take a risk when you see the lineup of what's happened to us? First of all, you've got Wall Street bailout, and then you've got Cash for Clunkers, and you've got this stimulus bill where we waste $800 billion.

□ 1820

And then we passed cap-and-tax at three o'clock in the morning. It was supposed to be about how bad $CO_2$ is, and what's the solution to the bill to keep $CO_2$ down? You guessed it, a whole lot of taxes and a whole lot of red tape and government regulations

Mr. GRAVES of Georgia. Those taxes are only on Big Business, right, that wouldn't impact the consumer? That seems to be the argument that is put out there, but we all know that it's not Big Business that pays taxes. It's not the corporations that pay taxes. It's all passed down through the consumer through the cost of any goods and services as any other cost would be in a service or in a product.

But I've been here 30 days. Thirty days I've been sworn in here as a Member of Congress.

Mr. AKIN. We are glad to have you, too. We wish we had some more people who would vote along the lines of getting these jobs going and getting the economy going.

Mr. GRAVES of Georgia. It is an honor to represent Georgia's Ninth Congressional District. I tell you, in Georgia what an incredible State. I know your State is great as well. But we have 13 Fortune 500 companies, three Fortune 100, the world's busiest and largest airport, the fourth busiest port in the Nation, an incredible university system and so much when it comes to entrepreneurial sprit.

Mr. AKIN. But you haven't mentioned Georgia peaches yet. You've got some good peaches down there.

Mr. GRAVES of Georgia. But a great State, so much to work with there, but there's that uncertainty that lies out there.

So in my 30 days here, the House voted on TARP II—of course, I opposed that—the expansion of unemployment benefits to a far-reaching amount, and then the war supplemental budget which was 61 percent un-war related, and it goes one thing after another, whether it is financial reform or whether it is this reform or that reform, just in my 30 days. So there is a little bit of certainty out there in the business community.

The certainty is that something's going to come down from Washington that's going to put another burden on them, another tax on them and it is killing job creation today. It's time to change that certainty around and say you can be certain that coming out of Washington it's going to be less taxes, less government, personal responsibility, and liberty and just for all. Let's get back to free markets and capitalism.

Mr. AKIN. That's what it boils down, too, isn't it? Two different visions for America. One of them is there are all these people who are victims and the government has to take care of them and you don't have to be responsible and you are just going to be part of this permanent welfare idea. And I don't think Americans by and large really want that. I think Americans really like the idea more of having the courage to live some dream that God puts on their hearts.

You know, the way that this country was founded, they believed that every single person that God created in this world had some purpose, some job that God had in mind for them to do. So what they did was they came up with the idea that the only thing that you got in trouble for up in New England was if you didn't work. You see, over in Europe they had all these classes and they had certain people who didn't want any calluses on their hands because they didn't like the idea of working.

But the people that came to this country said, no, your job is to work hard because God made a job for everybody to do. In the process of doing

that, they created almost a classless society because how can you look down your nose at somebody else if God made one person to be an accountant, another person to be a blacksmith, another one to be a farmer? How could you look down your nose if somebody is doing what God called them to do?

But it was always the idea of hard work and being honest and so people could be free and chase the dreams that they had in their heart. But I don't think people are happy when the government is dishing them out, you know, always dependent on the government, you see, and I don't think that's what America is all about. I don't think Americans are happy with the system where they're just constantly going to be dependent on the government. I think people love freedom in this country.

As you talk to people around your district, I ask people if you had to summarize what is America all about—I love to ask that question. Let's say somebody from some foreign country came and they had a bunch of TV cameras and put it in your face, and you've lived in America. Can you tell me just in a sentence what is the basic secret of what makes America such a special place. And the word that I always hear is freedom, freedom. It is not like, no, that the government's going to take care of me. No, it's the idea of being a free person, and that's something that's so precious to us in this country.

Mr. GRAVES of Georgia. You're right, and it's great, and that's what we've got to get back to is allowing the freedom to succeed and the freedom to fail, wouldn't you say? I mean, that is a freedom as well. Not government bailouts and government taking care of businesses that make poor decisions or take a risk that just doesn't work out, for whatever reason. But, you know, when we think about where we are going in the future—and I think we've got a great future—we just have to be positive. We have to come up with positive solutions and solutions that aren't the government being the solution but empowering the private sector.

We've come into a new era I believe, and I believe it's coming. I would like to say the sun is setting on an era, and that's the era of the champions of government, that the sun is setting on that and now a new dawn is arising and that is going to be the champions of the taxpayer.

So as we move forward through these next weeks and this great recess, I think America is waiting for this Congress to take a recess so that they will stop passing policies that are damaging to small businesses and elect a new governing majority here coming up soon and we have positive solutions that just reduce the business owners and, once again, empower them to be the job creators instead of empowering government to be that.

Mr. AKIN. You know, when people make a mistake—we were talking quite a bit about socialism, and liberals really just hate it when you mention that word ''socialism,'' but really an awful lot of Americans don't know socialism when they see it. And it is very dangerous, it's deadly, and it goes to the idea of what's the job of the government.

And if you go to our Founders, right off the bat the Pilgrims had socialism imposed on them by the loan sharks from England, and they pitched it out. They knew it wasn't any good. They knew that socialism was really a system of stealing where the government would take from one person and give to another person. If you go to the founding of our country, it was built on a bright vision. There was a fresh air; there was a vibrancy and enthusiasm because you could fail. There was an incentive to do well.

The understanding was that the job of the government was limited and limited in a particular way, and that was, the job of the government was justice. And Lady Justice was depicted—they chipped her out of marble, you know, and she's sitting there and she always had this blindfold over her eyes and she held up the scales, and the scales were what the law says and your own actions. But she always had that blindfold on. Well, what did the blindfold mean? Well it meant when you came before the government, before Lady Justice, she didn't peek whether you're black or white or male or female, rich or poor. She just said this is the way the law applies evenly to all people.

But socialism does something different. Lady Justice peeks and says this one's rich, this one's poor. I'm going to take from this one to give to this one and then we get sophisticated and we steal from everybody and pass it around to everybody else in the government. It gets more and more inefficient, but Lady Justice is peeking. That's socialism. It's wealth redistribution. It is institutionalized debt. It's morally wrong, and worst of all, it doesn't work.

Mr. GRAVES of Georgia. Right. And I believe Bastiat over 150 years referred to that as ''legalized plunder'' in the book, ''The Law,'' where he knew that anyone that was taking without permission and giving to someone else was plunder. And in the case of taxation here in the United States and the raising of taxes that we're going to see in January 2011 just due to the inaction of the leadership here in Washington, that is an increased legalized plunder that is going to occur.

Mr. AKIN. Which really kind of wraps back around. I promised when we started we'd ask a couple of these really basic questions, that is, Can the government steal? A lot of kids say, well, the government can't possibly steal. The fact of the matter is the government can steal when the government does stuff that it's not its job to do. And one of the things it's not its job to do is to take something from one person and give it to someone else and that's, of course, what the President said that he wanted to do with the government. He announced that before he was elected that that was his plan, to take money from Joe the plumber and give it to someone else.

And, of course, he said he wouldn't tax anybody that made less than $250,000, and yet that silly cap-and-tax bill that we passed in this Chamber before you were here—you don't have the shame of having that having gone through here—but if you flipped a light switch, you start paying a tax. You know, it isn't a matter of 250,000 bucks, you flip a light switch you're going to be taxed.

And that socialized medicine bill, wow, is that ever a disaster. They've got taxes in there on wheelchairs. I thought I saw a taxing on everything that moves or doesn't move, but they've even got taxes on wheelchairs in that thing, and of course the problem is that's what kills jobs. It's messing the economy up, adding to the insufficient liquidity, the economic uncertainty and of course the red tape and government mandates.

You put this package together and you can go both ways. You can have a vibrant economy, people free and prosperous and out there chugging along, good economy, or you can just keep on dialing in more and more government interference, more tremendous levels of spending, and basically what you're doing is you're killing freedom.

□ 1830

Mr. GRAVES of Georgia. When you think about it, imagine if you had the opportunity to implement the policies that you felt were best to get jobs moving forward here in this Nation. If it was me, I would say, let's empower the private sector. Let's allow them to be the job creators, not government. Let's reduce the tax burden. Let's start with the capital gains tax, the corporate tax rate, as well as many of the other tax rates involved in there. But then not only reduce taxes, cut spending. You have to cut spending in association with those tax cuts. In addition, we need to cut it beyond because of the spending level that we're currently on. But when you think about spending, everyone around here says, well, you can't cut spending. And you have to ask the question: Are we running at an efficient level here as government? We know the answer. The answer to that is no. In my opinion there are no sacred cows. It is time to cut government and cut it and cut deep when it comes to cutting government. Americans all across this Nation are cutting their budget, and there are a lot of important things in their budget. I believe it's time for the Federal Government to cut their budget tremendously, reduce taxes, reduce the regulation, and let the private sector once again flourish.

Mr. AKIN. I think you're absolutely right.

The idea, though, that we can bring the level of spending that we've got

going on under control by just trying to get efficiency, I think that's probably optimistic. I think what we have to do is decide that there are some things that Washington, D.C. should not be doing in the first place. We shouldn't cut it; we should just totally eliminate it. It should just stop. None. We need to take a good look at our Federal spending and say, What are the things the Federal Government has to do? We have to defend our Nation. We know that much. Because the States aren't going to do that. We have to make sure there's no pirates on the high seas. There used to be a law, it was one of the few Federal laws against piracy on the high seas. There was a Federal law when America started that was against counterfeiting, because that was not a State job; that had to be a Federal job.

There are very few jobs that originally started at the Federal level. And then everything else, we have to push them back to the States. I would be happy to say, look, if the people of California, or Massachusetts, or Tennessee want to have socialized medicine, let them try it and see how it works. They could learn from Massachusetts. It didn't work well. They could learn from Tennessee. They about shut down medicine in Tennessee. If States want to try these things, let the experiments begin at the State level. But at the Federal level, we have got to basically stop a lot of stuff. The first place I would start with would be just what Ronald Reagan said, shut down that Department of Education.

I had a group I was talking to down at a Honda dealership just a couple of days ago and I asked them, How much benefit do you think you've gotten from a whole bunch of Federal bureaucrats that work in the Department of Education? Has it helped your kid any at all? There were these blank looks. No, I don't think it's helped a whole lot.

So what happens if you sell the building and just shut down the Department of Education at the Federal level? Why can't that be done at the State or local level? I think we have to ask those tough questions. Maybe you could make a case, gosh, it would be nice if; but we can't afford it.

Here's a number: Debt and deficit as a percent of GDP. This is deficit. Here's the United States. We're right alongside of Greece and Spain and the United Kingdom. We're right in there with these European countries that are struggling, and we're not much better off than they are. We're way overspending.

Here is debt as a percent of GDP. You've got the United States. There are only two other countries that are worse than we are, that's Greece and Italy.

Mr. GRAVES of Georgia. If you had to simplify that for the American viewers out there, and I see that says about 91 percent of our debt as a percentage of GDP. How would you simplify that in terms of the average household at home and they have income coming in, their pay as it relates to debt?

Mr. AKIN. Let's try and speculate a little bit. Let's say the income for the whole year, they make a hundred bucks. So what does this mean, 91 percent? If their income is a hundred dollars for the year, what does that mean? That means they've got an incredible level of debt. They're not going to get back out from under it hardly.

Mr. GRAVES of Georgia. You're saying that 91 percent of that goes to debt; that income has to go to debt.

Mr. AKIN. That's the problem.

Mr. GRAVES of Georgia. If the liability was called in at that point. It is a liability of 91 percent.

Mr. AKIN. Yes.

So the point is, what do we do here in America? We basically have to stop thinking that the Federal Government is God and that it's going to solve every problem. We've got the Federal Government now, they're into the automobile business, the insurance business, the student loan business, they're in the flood insurance business, they're in the food business, they're in the housing business.

It kind of reminds me, there was this country that I grew up paying close attention to in the U.S., and it had this philosophy that the government is going to give you food, and it's going to give you a place to live, some shelter, it's going to give you an education, the government's going to give you a job and it's going to give you health care. We looked at that country and thought, That's not going to work. And it didn't work. The whole country crashed economically. It was called the USSR.

Here we are today, and what does the Federal Government try to do? Give people housing and food and education and a job and health care. How are we different? What we have to understand is the Federal Government has to be reined in to do just what it's supposed to do, which is justice. That is, provide a set of laws where everybody is equal before the law and a national security that protects us from terrorists and other people that wish us ill. So that Federal Government is just going to have to go on a diet.

Mr. GRAVES of Georgia. That's right.

I've only been here 30 days and I can tell you, this government is way too big. It does not run efficiently. There are many tasks that it should not be involved in whatsoever. We've seen those pass this House just in my few short weeks of being here. As I think about where we're going and I think about the solutions that we're all seeking, the Economic Advisory Council that I've put together across the 15 counties of the Ninth Congressional District is going to be one of the most dynamic councils I believe we have ever seen, because these are the business leaders, those that are on the ground hiring and making decisions for their business, that are making tough decisions; what to cut out of their budgets, what hours are they going to operate, what supplies are they going to buy. And we're asking them that question, What is keeping you from hiring that next employee? Because it goes back to that, if one out of three businesses would just hire one person in the next 12 months, unemployment would be cut in half. That's how close we are.

So what is it that the government is doing to prevent you from hiring that next employee? I am excited that soon I will be bringing back what I believe are going to be some powerful recommendations to the House of Representatives right here and say, From the Ninth Congressional District, from the business leaders in north Georgia, here's what they say needs to be done in order to get this economy back on track.

Mr. AKIN. I think you and I have a pretty good idea what they're liable to say, because they have enough business sense to know what's happened historically. They know socialism doesn't work, and they know what you've got to do is as the jobs and wealth and freedom, those are things that come from free people. It isn't the government that makes jobs. It's the businesses. It's all of the innovative Americans that are out there, that are living that dream in their heart. From the beginning days of this country, there are these people, these crazy people that came to this land with some dream of something they wanted to do.

I remember there was one guy that had this idea, he wanted to build light bulbs. He built a hundred of them and none of them worked. His attitude was, now I know a hundred ways not to build a light bulb. These crazy people came with these dreams in their hearts, the dream became a vague possibility and eventually it became a reality, and America was built, one dream at a time. It got to be so common, we called it the American Dream.

I know, gentlemen, as you travel in Georgia and you talk to those people, that you really get to love them out there, and you hear the stories:

''Well, my wife and I were sleeping under a park bench, but we had this idea for a little business. That was 20 years ago. Well, now, my goodness, we've done pretty well. The kids are in good shape. We've got a nice house. I think I might be selling the business.''

We do this, this, or that. Who would have thought it? We've got one guy in Missouri. He started a little company called Innoventor. I love this story. Talk about somebody with some imagination. He had grown up on a hog farm. Some of us that are from suburbia, we're not too fond of the by-product of those hog farms. But he had a lot of that by-product kicking around trying to figure out what to do with it. And so this guy took all this pig manure and he put it into a tank and he ran the

temperature up and the pressure up in the tank according to some basic principles of the way that we work with petroleum products and figured out a way to turn all that pig manure into this thick oily sludge which they then use to make asphalt.

And so he's got a section of road in the State of Missouri that's paved with asphalt made from pig manure. Of course the first question is, does the road smell? He says, No, when you get it up to this temperature, all the ammonia and things that you associate with smell is gone. But here's a guy that took something that nobody wanted, people looked at it as a liability, and he's got an invention that's going to turn that pig manure into asphalt to pave our roads with.

That's the kind of thing that makes America. I thought that was a colorful example. I know you've got stories of your own from Georgia. My brother was a Ramblin' Wreck from Georgia Tech. I know they've trained some good engineers down there.

□ 1840

Mr. GRAVES of Georgia. There are great talents and opportunities in Georgia. And as I know we are wrapping up our time probably here, and as I sort of close out, it goes back to that zero sum. It is a zero sum game when it comes to employment.

You are either expanding the private sector, or you are expanding the governmental sector. And I believe our objective, and I am glad that you are of like mind with me, that as we consider the deliberations over the next several weeks, that those who are watching tonight know that there are two men, plus more here, who really want to see the private sector expand, and expand through innovation and the excitement of the idea.

So I sort of liken it to the flame. There is that entrepreneurial flame out there. It has been dampened. It has been dampened quite a bit over the last 15–16 months with the policies coming out of Washington, and I believe it is our objective and I believe we can do this.

It is time to once again fan that flame and get that dampened spark flamed back up and get that entrepreneur fired back up about that American dream that you just spoke of.

I will close with this story, because my son who is 10 shared with me the greatest illustration last year. We were debating allowances. We were talking a dollar for this task and a dollar for that task. And he stopped me and he said, dad, if you give me a dollar to do something that I should already be doing, doesn't that just take away from what mom can buy groceries with? Wouldn't it be better if I made something and sold it and added to the family?

I mean, what a phenomenal example from a 10-year-old boy who understands productivity and wealth accumulation. That is something that excites me, that that young generation gets it.

Mr. AKIN. Well, you know, that is a heartwarming story, and it shows the basic nature of your 10-year-old son. He understands that somewhere along the line, that he was made to do something, and even that God maybe has a plan for him, and his thinking was, I want to help my dad.

You know, there is nothing I think as a Christian that inspires me more than a passage in the Bible that is in Ephesians. It says that we are God's workmanship created in Christ Jesus. That means that each one of us is a unique and special person.

But not only that. Here is what exciting. He says unto good work which God prepared for us to do, every single one of us has a purpose in this world, and the purpose is to do some good work, which our Father wants us to do. And it is a pretty exciting thing if you are not cynical to say, you mean I can actually do something that would please my Father in heaven?

You see, I think the freedom that we treasure in America was given to us so that we could do that mission that we were created to do. That is what freedom is all about. It is not to abuse, not to have the government take from one person and give to another person. It is about each one of us doing what we were called to do and living that American dream.

Then as the country builds and becomes strong and we have this attitude that everybody has a purpose, everybody, there is no one that isn't included in that, and that the freedom we enjoy is freedom so that we can do what we were created to do in the first place. When we have that kind of attitude, it gets contagious, and all over the world people are going to say, hey, look what is going on in America. Isn't that exciting? Those people really do believe in freedom. They understand the difference between socialism, which is big government doing something that is stealing, it is dishonest, and allowing people to follow their god-given direction.

That means as you said though that people will fail sometimes. We try, we fall down, we have to get up and try it again. If we didn't understand that, none of us would know how to walk. We fall down the first few times. And I found that out trying to ski as well. You know, there is a part of my anatomy that worked as a brake for quite a while. It got pretty sore.

But we keep getting back up again, and that is necessary in a free kind of society. But I think America loves that sunlight and bright light of freedom and that fresh air and the enthusiasm of the challenge, and the fact that every one of us has a purpose that we were put on this earth to do.

The Lord has given us the simple commandment, thou shalt not steal, and when somebody takes something from one person and gives it to you and you didn't earn it, you see, that is short-circuiting the way God made everything, and that is why it didn't work. It didn't work for the Soviet Union, it hasn't worked in these other countries.

Socialized medicine doesn't work. Yes, you get insurance, but you can't get any health care. That doesn't do you any good.

Well, I appreciate your joining me, and thank the good citizens from Georgia for sending up such a great Congressman, Congressman GRAVES. Is a pleasure joining you.

## BRITISH PETROLEUM AND OTHER ISSUES OF THE DAY

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

Mr. GOHMERT. Madam Speaker, it is always an honor and privilege to speak on the floor of the House of Representatives where so much history has been made. There are a number of things we need to cover.

I had some interesting things going on in the Natural Resources Committee today because we are taking up legislation as a result of the oil spill. Those pesky words keep resurfacing, ''never let a crisis go to waste,'' and it appears that is what is happening here.

We had 11 people lose their lives in the Deepwater Horizon explosion. Many thousands may lose their livelihood. We know that it is the worst environmental accident we have had in the United States.

It has been amazing that so little had been done to try to assist from the Federal Government. Eventually the Coast Guard came on board, but three days after this terrible accident, it is nations like the Netherlands that have extraordinary expertise in building barrier islands, in actually taking in water and separating out the oil, people that had all these wonderful inventions and ideas and things that would help capture the oil, should have all been utilized because so many of them have merit, and yet the Coast Guard kept turning them away. Kevin Costner had spent $10 million of his own money to see this thing developed that would separate oil and water and do so in large numbers, but didn't get a lot of attention.

So I know there were a lot of pressing things to do. There were golf courses to be played, there were things that had to be done, parties that had to be attended. All the while the oil kept coming up and the environment kept suffering, wildlife kept suffering.

And then when we eventually find out, well, actually there was a reason. British Petroleum thought they were bulletproof. They thought they could have more safety violations, hundreds of times more safety violations than other oil companies drilling in the Gulf of Mexico, and be immune from having the administration come down on it.

It is understandable now, once we got into it. They were supportive of the administration's crap-and-trade bill. In

fact, as the Deepwater Horizon rig was sinking, Senator KERRY down the hall was making negotiations making sure BP was still on board with the crap-and-trade bill. The White House counted them as being supportive of the bill. And they, of course, have so many lobbyists. Their best lobbyists are all from Democratic administrations. They felt like they were bulletproof.

So then it begins to explain why it took so long to finally get on to BP and fuss at them, because America had had enough. They had seen the kind of poor safety record BP had.

□ 1850

So BP got thrown under the bus, much to their apparent surprise, after all their support. They've given heavily to the President's campaign. So I'm sure they were surprised when they ultimately were thrown under the bus.

But as a result of that terrible tragedy there are some laws that are being voted out of committee. We had debate on them for several hours today. And that's as it should be. A bill shouldn't come to the floor that is so sweeping unless it goes through proper committee channels. Didn't go through subcommittee, but we had a long hearing on it today. And it will be voted on in the morning. All the votes were rolled so that they'll take place in the morning. It's just hard to believe that out of a crisis like the gulf oil spill, that people would take advantage of that and want to pork up the bill. Shocking. Shocking.

One of the things that economists have proposed across the country that would help get us on track is that—financially, that is, on track—is that is we have got to get out of the mentality of constantly buying more and more and more and more land. The Federal Government seems to want to take over the country, or at least those States that often vote heavily Republican. The colleagues across the aisle want to buy more and more of the land.

So I had a chart here of what the West looks like, the Western part of the United States, how much of it we have in red that is owned by the United States. That is, by the United States Government. So you get an idea. Here is the Western United States. The red parts are those that are owned by our Federal Government. And the Federal Government wants more. We have had information on the amount of money that our Federal Government has been spending in the past on buying land, and it's been rather shocking to see the numbers. Here we have the amount of money that was allocated in 2008 for the Federal Government to spend on buying more land in the United States for the Federal Government to take over. It's important to understand that when the Federal Government takes over land, it means the schools in that vicinity, the local governments in that vicinity get nothing. Because all of the land, when the Federal Government takes it, is removed from the tax rolls. It cannot be taxed. Schools, cities, counties, States cannot tax the Federal Government once it takes over the land.

So it makes sense that you want to be cautious in having the Federal Government take over more and more land in this country. In fact, that's what economists have said. You have got to get out of the mentality of continuing to buy land. Start selling some. Let's get on track to get rid of our deficit. Quit buying land. And it turns out that right now we're $3.7 billion behind in the projects that are needed to keep up the existing Federal land and Federal parks that we have right now. Our parks are going to squalor in many places. Places that people used to love to visit are just being let go because the money is not there to take care of it. Why? Because we keep spending money on buying more and more land and locking that land up so it cannot be used for any purpose.

That's one of the problems we've got down with the border between Arizona—a U.S. border—and Mexico. Thirty-two miles of that border are wilderness, national park, which means the Border Patrol are the only ones that can't take—or U.S. Federal agents are the only ones that can't take vehicles in there. It's against the law. They commit a crime if they do that. But it doesn't stop the drug smugglers, the illegal alien smugglers from taking vehicles across there. And so that's what happens. They can have mechanical instruments. But even if you need to bring a helicopter in to lift out somebody that's been shot, like a Border Patrol Agent, which has happened, the helicopter can't land. Illegal aliens, drug smugglers, they can drive right by them, but our Border Patrol cannot go in there because it's a national park wilderness area. That's why I've got a bill to try to do something about that, but apparently it's not going to see the light of day.

So here we have in 2008, the last year of the Bush Presidency. But since all appropriations originate in the House of Representatives, no matter what the President wants to do, it originates here, and if you check back in 2004, 2005, 2006, it was a fraction of a hundred million dollars. Well, in 2008 it was a little over a hundred million dollars. In 2009, it was still about $150 million or so, according to the chart. And then in 2010, this year, from last year's appropriation, it shot up to nearly $300 million. And for next year it's already—what is being laid out for next year's land acquisitions is nearly $400 million.

So here we are, in the worst budget crunch we have ever had, and what happens? For the first time since 1974, Congress is not going to have a budget. Apparently, it was considered too politically difficult for people to come in and vote for a budget that would expand costs as apparently the desire is to have done. So here you have a tragedy in the Gulf of Mexico, still ongoing. Hopefully, the cap is going to hold. But that remains to be seen. There's still so much damage.

And since we're dealing with a time when those in control do not want to let a good crisis go to waste without taking advantage of it, in the legislation that we debated today and that will apparently pass in the morning around 9:15, we're going to stick in $900 million for land acquisition. That's in the committee, July, 2010. That's what is apparently going to happen because the majority will have the votes. They're going to appropriate in an authorization bill $9 million to buy more land, as if our parks are not in enough trouble because all of this money keeps going for more and more land acquisition. We're going to not cut spending on land acquisition and just even have a moratorium just for a little while. Let this country catch its breath.

We're looking at a $1.5 trillion deficit for 1 year. My first year here, I kept hearing people across the aisle talking about how $100 billion, $200 billion was an outrage for a deficit in 1 year. And, you know what? They were right. There shouldn't have been $100 billion and $200 billion deficit for 1 year. And that's why people voted them into the majority in November 2006.

□ 1900

Yet here we go this year. The same people have no problem with a $1.5 trillion deficit in 1 year because of all the jobs that it apparently, they think, is creating. Well, it did. For June, 431,000 jobs were created. Unfortunately, 411,000 of them were temporary census jobs.

So here's our chart. This is what will pass tomorrow because me and my friends simply do not have enough votes to keep it from passing. They're going to pork up this bill to deal with the gulf oil crisis by sticking $900 million of pork in there to buy more land for the Federal Government to own, to put local governments, local schools, State governments in a difficult situation because they'll never be able to generate any tax dollars or revenue from that land once the Federal Government takes it over.

And so with that in mind, we look back at the chart again, the map, that shows the western part of the United States with that in red, representing areas that the Federal Government already owns. But apparently to those in charge right now, it's not enough. It's not enough to own nearly all of Nevada. It's not enough to own 70 percent of Utah. It's not enough to own most of Idaho, Arizona, Wyoming. So tomorrow, $900 million will be appropriated in this bill about the gulf oil crisis to buy more Federal land that will hurt more local governments and more local schools. It's just hard to fathom. It is hard to believe that this is going to happen tomorrow, but we simply do not have enough votes in our minority to keep that kind of pork from being added to a bill emanating from a crisis.

You know, we've already heard from people, families of victims who were

killed on Deepwater Horizon, out begging, Please do not have a moratorium, because they knew their friends would be out of work, other family members would be out of work. I don't have a problem if you want to shut down every one of BP's offshore rigs until we can be sure that they are safe. But when, as we heard in the hearing today, BP had had 800 safety violations to, in some cases, none for other oil companies in the same period, one for other oil companies in the same period, they had 800, so what did this administration do? They gave them an award for safety. That's right. They didn't fine them. They gave them an award for safety.

But when you understand they were embracing a tax, a gas tax, they were embracing so many of the bills this administration was pushing forward that most in the country didn't support, they didn't want to lose their good friend BP, and that's why it took them so long to throw them under the bus. Well, that's one area in which we're throwing away a lot of money. It's pretty amazing, pretty outrageous.

Another area is in our foreign assistance programs. Now, this is my third term here. In each of my three terms, I have filed a bill. This is no exception. It's H.R. 4636. I have now filed for a discharge petition. So hopefully we can get enough folks that will sign on to the discharge petition to force this bill to the floor for an up-or-down vote, because we haven't been able to get one. This is a very simple bill. In essence, it says—well, it's entitled the United Nations Voting Accountability Act. It is very simple. Any nation that votes against the United States' position more than half the time on contested votes in the United Nations will receive no Federal assistance from our government to theirs. Very simple. And as I have said before, you don't want to have to pay people to hate you. They'll do it for free. Why pay them to hate you when they'll do it for free?

So we pulled the report for this year—because each year a report comes out; it has to come out by March 31 of each year—of all of the votes, the contested votes from the year before so that we could get some idea of who is voting with us, how often, who we're paying to hate us.

For example, in 2008, there was $105 million given to Bangladesh. They voted against the U.S. position 82.4 percent of the time in 2008 and 80 percent of the time in 2009.

We gave millions to Belarus, a former state in the Soviet Union, and they voted against us in 2008 84.6 percent of the time, and this past year voted 75 percent of the time against the U.S. interests and position.

You've got Bolivia down in South America. We've given them over $100 million. That was in 2008. As I understand, it was a great deal more than that in 2009. They were our great ally and were only voting against us 85.2 percent of the time in 2008. And it got a little better in 2009. Only 70 percent of the time they voted against the country that provided them over $100 million in aid. We're paying them to hate us.

Brazil. Of course we've heard recently about the $2 billion that we're loaning to Brazil to develop their deepwater territories, their deepwater offshore drilling program. And lo and behold, it turns out apparently George Soros' biggest personal investment is in a company that does that drilling, so we provided $2 billion to help our dear friend George Soros make that much more money from his biggest investment, personally. And so Brazil, we loaned them millions—I'm sorry. We loaned them billions, give them millions, and they voted against us in 2008 70.7 percent of the time and against us last year in 2009 62.5 percent of the time.

You've got Cambodia, where lots of Americans lost their lives fighting for freedom for the people. We let them out from under all the murderous regimes that have followed. But with tens of millions of dollars, they voted against us 84 percent of the time in 2008 and 62.5 percent of the time in 2009. We are still just pouring money into them.

Now, I have been talking to them about this ever since I came on into Congress in 2005, and it makes me think that maybe we're doing some good, because of all the hundreds of millions we've given to Colombia, in 2008, they voted against the U.S. position 80 percent of the time. Last year, it was 40 percent of the time. So they would not be adversely affected by this bill because they have found their way clear to support us.

Most people think with the embargo sanctions against Cuba, that's taken care of. Not true. In 2008 alone, we gave $45 million in aid to Cuba when they voted against us in the U.N. 87.8 percent of the time. And in 2009, they got even higher, up to 90 percent of the time.

Now, the Republic of the Congo in 2008 got $103 million, $104 million, and for some reason, that same year they only voted against us 7 percent of the time. This year, I was under the impression they got even more money, but they voted against us 71 percent of the time. So from 7 percent to a 71.5 percent turnaround there.

□ 1910

You've got Dominican Republic. Give them tens of millions of dollars. They voted against us 80.5 percent of the time in '08, 60 percent of the time in '09.

Egypt gets a couple of billion dollars, in essence, but they voted against us in the U.N. against our position 93.3 percent of the time in '08, and in '09, 81.8 percent of the time.

Got Ethiopia. We gave $455 million in '08. They voted against us to show their gratitude 82.9 percent of the time in the U.N. in '08, and 83.3 percent in '09.

Again, you don't have to pay people to hate you. They'll do it for free.

India, $99 million that we gave away as Federal assistance to India in 2008. They voted against us 76.3 percent of the time. That number, I think, may have risen and now so has their opposition to anything we hold dear. They're now up to 88.9 percent of the time in 2009, voting against us.

India is benefiting from our high corporate taxes. They're benefiting from the threat of the crap-and-trade bill passing. They're benefiting from the health care bill that just got passed because employers, big manufacturers are saying, we've got to go where the country doesn't hate us being there so much. We're going to India, we're going to China, we're going to South America.

So a lot of these countries we're pouring money into that we don't have, that we're having to borrow from China, all the while they're opposing us every step of the way.

You've got Indonesia, 189, basically $190 million simply in foreign aid, not counting the other benefits we've given them. And yet they opposed us 84.9 percent of the time in the U.N. in '08, and 80 percent of the time in '09.

Pouring money into these countries that we don't have, that we're having to borrow, while people are out of work, hurting, searching for jobs, hoping for the economy to turn around, and something besides temporary census jobs to become available, and this is what they find out.

Jordan, in 2008 got $687 million, simply in aid, and they voted against us 91.7 percent of the time in '08 and 60 percent of the time in '09.

Now, Mexico, this shows $50 million in foreign aid in '08. But also, of course, we had, I believe, $500 million that we provided them to assist them in their defense effort. And as a result, we have the President of Mexico come in here and chastise us for having immigration laws that he says promote racism; laws like that passed in Arizona that simply are begging to have our laws enforced.

Well, Mexico voted against us 75.9 percent of the time in '08. But in '09 that dropped to 36.4 percent of the time, so apparently we're buying some love and affection there.

Nicaragua, they've got tens of millions of dollars each year, yet they voted against us in '08, 84.7 percent of the time, and against our positions 80 percent of the time in '09.

You've got Nigeria, $486 million they received in 2008, simply in foreign aid, not counting other types of aid; '08 they voted against us that same year 82.7 percent of the time in the U.N., and against our position 63.6 percent of the time in 2009.

Pakistan, that we keep hoping is going to make a turn for the better, well, in 2008, simply in foreign aid, we gave them $737 million. They voted against our position 81.1 percent of the time in '08; 87.5 percent of the time in '09.

Got the Philippines. They wanted to be completely shed of the United

States, didn't want anything to do with us. Well, almost nothing to do with us. They did want our hundred-plus million dollars that we will give them, as we did in 2008, while they voted against our position in the U.N. 81.2 percent of the time in '08; 62.5 percent of the time in '09.

Philippines have people there, many of whom are very dear to the United States. But as a separate independent nation, they're free to make their own decisions, love us or hate us. But we shouldn't have to pay people to hate us when they're willing to do it for free.

Russia, hard to believe, but we gave them $81 million in foreign aid in 2008, and they voted against us 82.9 percent of the time in '08. Did a little better, 66.7 percent of the time they were against our position in '09.

South Africa, $574 million in '08 we gave, only in foreign aid, not counting other types of aid. They voted against us, our positions, 84.5 percent of the time in 2008, and against our position 66.7 percent of the time in 2009.

Sudan, gave them $337 million in 2008, they voted against us to show their gratitude 91.9 percent of the time in 2008, and a clear 90 percent of the time in 2009.

You've got Uganda. We gave them $350 million, simply in foreign aid, not counting all the other types of assistance in 2008. They showed their gratitude by voting against our position 82.3 percent of the time in '08; 62.5 percent in '09.

Venezuela. I bet most people didn't know we were giving Venezuela foreign aid, but we did. This majority voted to give them around $10 million in 2008. Regardless who is in the White House, the Congress is the one that votes appropriations. Venezuela got basically $10 million, simply in foreign aid, and of course they showed their love and affection for the United States by voting against us in opposition, 86.1 percent of the time in '08 and 81.8 percent of the time in '09.

You've got Vietnam. Vietnam, we've gotten so friendly with, they got over $100 million of U.S. taxpayer money. Actually, I'm sure it's borrowed money from China that our grandchildren will pay the interest on, and pay the principal as well, unless they have to declare bankruptcy as a nation because of our gluttony. But Vietnam, we gave away over $100 million to them, and their gratitude was expressed by voting against the things we believe in 94.5 percent of the time in '08, and 75 percent of the time in '09.

□ 1920

Yemen. Yemen. Now, this was just giveaway money here. It's $16 million, $17 million just as foreign aid to Yemen in 2008. Showed their appreciation by voting against our position 92.8 percent of the time in 2008, 71.4 percent in 2009.

But Yemen, not only did they get millions and millions of dollars simply in foreign aid from the United States, New England gave them a real boon. New England, just found out in the last few weeks, this year New England gave them a contract to provide liquid natural gas for the next 20 years to Yemen.

Now, in order for Yemen to get that contract we had to snub our nose at countries who have been very supportive and have been friends, including some in the Caribbean. We snubbed our nose at our friends, and New England gives what will result in incredible amounts of money to Yemen for liquid natural gas.

At the same time, we were having hearings, been having hearings in the Natural Resources Committee to try to hamper hydraulic fracking. By the use of hydraulic fracking, we have been able to secure over 100 years' reserves of natural gas that we could be using, our own natural gas. DAN BOREN across the aisle has a wonderful bill that would encourage making cars that run on natural gas more widespread, more easy to get, and trying to move some of our country over to natural gas vehicles because we have so much of it. Of course if we eliminate hydraulic fracking, which by the way has never been shown to have polluted drinking water—we have had hearings on that—there is no need for the Federal Government to get in and try to oppose hydraulic fracking. Many States that have it regulate it themselves, and they have done a good job in controlling that, and will continue for the future.

As one of the Members of Congress from Louisiana said today, if you were to eliminate hydraulic fracking, you would do more damage to Louisiana and its economy and people's livelihoods than this environmental disaster will do. Yet Yemen got this massive contract to provide liquefied natural gas to New England.

That means big, huge ships carrying massive amounts of liquefied natural gas. In other words, a rather large bomb will be floating in routinely to Boston Harbor. And I found a quote from the Coast Guard where they indicate, gee, one of their biggest concerns, since Yemen has proved to be home of so many terrorists that want to destroy our way of life, one of their biggest jobs is going to try to make sure there is not one stowaway somewhere on that Yemen tanker that may set the thing off and wipe out much of Boston in the process. I wonder if the people of Boston knew that that was going on, that not only were we giving away so many millions to Yemen—of course, some may remember that just recently people were allowed to leave Guantanamo Bay, went to Yemen, and Yemen of course ended up seeing them take off and we don't know where they are anymore. Heck, they may be back here coming across our Mexican border, since we haven't secured that.

So, going back to my bill, 4636, I am going to keep bringing it up, and we will have a discharge petition and give people on both sides of the aisle an opportunity to sign that and bring that to the floor for a vote. That will end up cutting off foreign aid to countries that so strongly oppose the things that we hold dear, the things for which we have sacrificed, in John Adams' words, toil and blood and treasure to secure. And yet we just keep giving money to those who are opposing us in almost every turn.

They are sovereign nations. We shouldn't get into nation building. They are big folks. They can make their own decisions. But if they want to oppose us at every turn, they can't expect us to continue to pay them to oppose us at every turn. Are so it just is hard to believe that that's something we are still dealing with, but it is.

And I have to mention this. Regarding the gulf oil spill and this legislative markup, as it's called; it's of course voting a bill out of committee. It's the emergency response to the gulf oil bill that includes $900 million a year for the next 30, 40 years simply to buy more land. Think about the James Bond title ''The World Is Not Enough.'' Well, owning most of the West doesn't seem to be enough.

My friend ROB BISHOP from Utah indicated how about a friendly amendment to just say the Federal Government will only buy land in States in which the Federal Government does not already own up to 20 percent of the State? But my friends across the aisle from those States in the East that love continuing to purchase land in the West, forcing schools to lay off teachers, shut down schools, inability to provide tax revenue—they love that because they're not going to have land bought in their States. The friendly amendment that Mr. BISHOP offered, since the Federal Government already owns 70 percent of his State, was not accepted. So the intent appears clear: They want to keep buying more land in the West. They don't want it purchased up in the East for the most part.

So in addition to that, during the hearings regarding the gulf crisis, when I was questioning Director Birnbaum, brought out the facts that we learned that there was only one entity, one group within MMS, Minerals Management Service, that was allowed to unionize, and that was the offshore inspectors. The offshore inspectors, the people that stand between disaster and our beloved homeland. And they are unionized.

So I offered a simple amendment today, because those offshore inspectors that go out to make sure things are done properly to protect us from disaster on our homeland, they are like people in the Army. You know, I never went into warfare. I was commissioned based on an Army scholarship I had at Texas A&M. I had an Army scholarship there. I owed the Army 4 years, but I wasn't commissioned until a year after Vietnam. When I took the scholarship, I anticipated I would end up in Vietnam, but the war ended.

And we were taught, though, in training—and I had been a sentry before, put out on a perimeter to sit guard during the night. And I was out there to stand guard to make sure nothing happened to my friends who were getting some sleep at night. I was their protection. So I wasn't about to fall asleep when as dark as it was out on perimeter because I had to warn them if someone was coming in. And sure, you know, it was drills, it was practice if some want to call it that. But during drills you take it very seriously. But I came to appreciate the role of someone who is a forward observer, someone who is a sentry, someone who is out there on the perimeter sitting, standing guard to make sure that they are protected back in the main group.

Well, that's the way the role of an offshore inspector struck me. They are out there protecting us. Can you imagine someone on guard duty out protecting your perimeter calling in and saying, guess what, I am going on strike?

□ 1930

I don't like my contract. I'm going on strike. So you're no longer protected out here. Things could go completely awry. I'm not inspecting. I'm on strike. That should not be allowed to happen in the military. It shouldn't be allowed to happen on offshore rigs.

So I had a simple amendment that said offshore inspectors are not allowed to strike or threaten to strike from doing their jobs. Votes were rolled. So we will have a recorded vote on that in the morning and we'll find out how serious people on both sides of the aisle are about protecting our homeland, or are they going to have to kowtow and cater to unions as we've seen on so many votes. This, we're talking about our homeland. We're talking about prevention of environmental disaster.

So, Madam Speaker, I hope that people will let their Members of Congress know that are on the Natural Resources Committee, Don't vote for the unions; vote for the homeland. Don't vote to allow our soldiers, our offshore inspectors out there on our shore, on our offshore rigs, to go on strike because, wow, what leverage.

It would be like an air traffic controller saying, All of those planes are in the air, and I don't care if they land or crash. We're walking away. They're on their own. You can't let them do that.

You have to provide for our country's security. You can't let people in the position with the leverage over lives and livelihoods to walk away on strike at the worst possible time. So we'll find out tomorrow who's voting for our Nation's homeland, our homeland, all we love and hold dear—the environment, the animals, the plants that can't do anything about the oil coming ashore. We'll see whether the vote will be for the unions so that offshore inspectors can continue to have the threat to strike if they so feel like it or not. That's tomorrow.

One other thing I want to get to, because I know our President said this year that we're not a Christian nation, and I want to debate that because I don't know if we are or not anymore. But I know how we got started, and it's easy to see in the writings, the things that were said, the proclamations. It's easy to see.

For example, George Washington, May 2, 1778, gave this order to his troops, May 2, 1778, to the troops at Valley Forge. Here it is, and I'm quoting from George Washington's order. ''The Commander-in-Chief directs that Divine service be performed every Sunday at 11 o'clock, in each Brigade which has a Chaplain. Those Brigades which have none will attend the places of worship nearest to them. It is expected that officers of all ranks will, by their attendance, set an example for their men. While we are zealously performing the duties of good citizens and soldiers, we certainly ought not to be inattentive to the higher duties of religion. To the distinguished character of Patriot, it should be our highest glory to laud the more distinguished Character of,'' and this is Washington's words, ''Christian.''

That was his order to the Continental Army, May 2, 1778. Again, I won't debate whether or not we're a Christian nation now. But it is important that people in this body know, and people across America know, that we, at one time were—the Judiciary Committee of the Senate made that proclamation at one time in one of their votes. They said point blank, We are a Christian nation. That was in the 1800s.

Abraham Lincoln, July 7, 1864, said this in his proclamation. Abraham Lincoln said, ''I do hereby further invite and request the heads of the Executive Departments of this Government, together with all legislatures, all judges and magistrates, and all other persons exercising authority in the land, whether civil, military, or naval, and all soldiers, seamen, and marines in the national service, and all of the other law-abiding people of the United States, to assemble in their preferred places of public worship on that day, and there and then to render to the Almighty and merciful Ruler of the Universe such homages and such confessions to offer to Him such supplications, as the Congress of the United States have in their aforesaid resolution so solemnly, so earnestly, and so reverently recommended.'' That was for the day July 7, 1864.

September 5 of 1864, Abraham Lincoln addressed a committee, and according to the historic document of Colored People from Baltimore—that's according to the historic document. Now, that would be African Americans, I'm sure, but back in 1864, apparently Lincoln didn't know better. So acknowledging a gift of a Bible from those wonderful people, he said, this is Lincoln's words, ''In regard to this Great Book, I have but to say, I believe the Bible is the best gift God has given to man. All the good Saviour,'' that's Lincoln's words, ''All the good Saviour gave to the world was communicated through this Book. But for this Book we could not know right from wrong. All things most desirable for man's welfare, here and hereafter, are to be found portrayed in it.'' In the Bible. How about that. Those are Lincoln's words.

You'll look at his second inaugural address. Interestingly enough, he said these words. These are carved in the north wall of the Lincoln Memorial. In the middle of his second inaugural address, he's talking about both the North and the South. He said, ''Both read the same Bible, and pray to the same God. The prayers of both could not be answered. That of neither has been fully answered. The Almighty has His own purposes.'' Then he quotes the Bible, ''Woe unto the world because of offenses.''

''Yet, if God wills that it continue, until all the wealth piled by the bondsman 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said 3,000 years ago, so still it must be said, 'the judgements of the Lord, are true and righteous.' '' Those were Lincoln's words in the second inaugural address.

So I won't debate whether or not we're a Christian nation. But that's how we got our start. Despite the efforts of those even in the early 1800s up to the present day who disregard the facts, they disregard so many of our Founders' own words. Call Benjamin Franklin a deist, even though at 80 years of age at the Constitutional Convention he's the one that says, ''I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writing, that unless the Lord build the House, they labour in vain that build it.''

□ 1940

He went on to urge those other members at the Constitutional Convention—his words, not mine—he said, ''Firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel.'' So much for him being a deist.

Regardless of where we are now, this Nation started as a Christian Nation. All of the indications from the official sources, from our Presidents, indicated as much. So, regardless of where we are now, that's where we started. We need to get history right if we're going to have a future.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today and the balance of the week on account of personal business.

Mr. HINOJOSA (at the request of Mr. HOYER) for July 13 and the balance of the week on account of the effect of Hurricane Alex on his district.

Mr. OLSON (at the request of Mr. BOEHNER) for July 13 and the balance of the week on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BRIGHT) to revise and extend their remarks and include extraneous material:)

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. KIRKPATRICK of Arizona, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, 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, July 21.

Mr. JONES, for 5 minutes, July 21.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, July 19 and 20.

Mr. PENCE, for 5 minutes, today.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

## ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, July 15, 2010, at 10 a.m.

## BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.J. Res. 83, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.J. RES. 83, A JOINT RESOLUTION APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003, AS AMENDED

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2010 | 2011 | 2012 | 2013 | 3014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| NET INCREASE OR DECREASE (−) IN THE DEFICIT | | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 2 | 0 | 0 | 0 | −153 | 153 | 0 | −3 | −7 | 0 | −151 | −8 |

Sources: Congressional Budget Office and Joint Committee on Taxation.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8303. A letter from the Acting, Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Value-Added Producer Grant Program (RIN: 0570-AA79) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8304. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2009-0737; FRL-8830-4] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8305. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2009. The report separately identifies the dollar value of items for which the Buy American Act was waived, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

8306. A letter from the Secretary, Air Force, Department of Defense, transmitting RAND Report, ''Retaining F-22A Tooling: Options and Costs''; to the Committee on Armed Services.

8307. 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-1121] received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8308. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-000; Internal Agency Docket No. FEMA-B-1090] received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8309. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Level Elevation Determinations [Docket ID: FEMA-2010-0003] received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8310. 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], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8311. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico and Canada pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8312. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8313. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—-Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Engineering Research Centers (RERCs). Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133E-1 and 84.133E received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8314. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve covering calendar year 2008, in accordance with section 165 of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

8315. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R06-2009-0567; FRL-9162-7] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8316. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds [EPA-R05-OAR-2005-OH-0003; FRL-9159-3] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8317. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Arkansas: Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2009-0708; FRL-9161-9] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8318. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Determination of Attainment for PM10 for the Sandpoint PM10 Nonattainment Area, Idaho [Docket: EPA-R10-OAR-2010-0294; TRI-9165-2] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8319. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2010-0468; FRL-9165-8] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8320. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2008-0920; FRL-8824-6] (RIN: 2070-AB27) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8321. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

8322. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-066, 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.

8323. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8324. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Fiscal year 2009 Annual Report on Advisory Neighborhood Commissions'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8325. A letter from the Chief Human Capital Officer, National Science Foundation, transmitting report on the Foundation's use of the category rating method of evaluating external applicants for Federal positions, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

8326. A letter from the General Counsel and Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8327. A letter from the General Counsel and Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8328. A letter from the General Counsel and Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8329. A letter from the Director, Office of National Drug Control Policy, transmitting a report entitled, ''Fiscal Year 2009 Accounting of Drug Control Funds''; to the Committee on Oversight and Government Reform.

8330. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2009, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

8331. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts — III''; to the Committee on Transportation and Infrastructure.

8332. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Magnolia, AR [Docket No.: FAA-2009-1179; Airspace Docket No. 09-ASW-35] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8333. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class C Airspace; Beale Air Force Base, CA [Docket No.: FAA-2010-0367; Airspace Docket No. 10-AWA-2] (RIN: 2120-AA66) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8334. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Panama City, Tyndall AFB, FL [Docket No.: FAA-2010-0249; Airspace Docket No. 10-ASO-22] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8335. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Quitman, GA [Docket No.: FAA-2010-0053; Airspace Docket No. 10-ASO-12] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8336. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Hoquiam, WA [Docket No.: FAA-2009-1063; Airspace Docket No. 09-ANM-22] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8337. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Yellowstone, MT [Docket No.: FAA-2009-1101; Airspace Docket No. 09-ANM-24] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8338. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Grandfathered Health Plans under the Patient Protection and Affordable Care Act [TD 9489] received June 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8339. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Social Security Administration Implementation of OMB Guidance for Drug-Free Workplace Requirements [Docket No.: SSA-2009-0054] (RIN: 0960-AH14) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8340. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2010 Report to the Congress: Aligning Incentives in Medicare''; jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5381. A bill to require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration; with an amendment (Rept. 111–536). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 1517. Resolution providing for consideration of the bill (H.R. 5114) to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes (Rept. 111–537). 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 Ms. MARKEY of Colorado:

H.R. 5730. A bill to rescind earmarks for certain surface transportation projects; to the Committee on Transportation and Infrastructure.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5731. A bill to amend title 38, United States Code, to provide for annual reviews of mental health professionals treating veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KILROY (for herself, Mr. THORNBERRY, and Mr. BURGESS):

H.R. 5732. A bill to amend title XVIII of the Social Security Act to permit coverage of certain covered part D drugs for uses that are determined to be for medically accepted indications based upon clinical evidence in peer reviewed medical literature; 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. BRALEY of Iowa:

H.R. 5733. A bill to permit health care providers to disclose certain protected health information to law enforcement officials; to the Committee on Energy and Commerce.

By Mr. DONNELLY of Indiana (for himself and Mr. UPTON):

H.R. 5734. A bill to direct the Administrator of the Small Business Administration to extend and improve the Dealer Floor Plan Pilot Initiative, and for other purposes; to the Committee on Small Business.

By Mr. HELLER:

H.R. 5735. A bill to require the Secretary of the Interior to establish a competitive leasing program for wind and solar energy development on Federal land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself, Mr. NADLER of New York, Mr. BRADY of Pennsylvania, Mr. FATTAH, Ms. SCHWARTZ, Mr. DOYLE, Mr. ISRAEL, and Mr. KENNEDY):

H.R. 5736. A bill to amend chapter 44 of title 18, United States Code, to require the owner or lawful possessor of a firearm to report its theft or loss; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin:

H.R. 5737. A bill to amend title 38, United States Code, to extend the age of eligibility of dependent children for receipt of transferred educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, Mr. ROGERS of Kentucky, Mr. THOMPSON of Mississippi, and Mrs. CAPITO):

H.R. 5738. A bill to amend the Richard B. Russell National School Lunch Act to carry out a pilot program to reduce the amount of processed food served each day under the school breakfast program or school lunch program; to the Committee on Education and Labor.

By Mr. ROONEY:

H.R. 5739. A bill to amend title 36, United States Code, to grant a Federal charter to the American Military Retirees Association, and for other purposes; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 5740. A bill to provide for the mandatory recall of adulterated or misbranded drugs; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself and Ms. ZOE LOFGREN of California):

H. Res. 1515. A resolution calling on the Socialist Republic of Vietnam to uphold and respect basic human rights by releasing three women democracy activists, writer Tran Khai Thanh Thuy, attorney Le Thi Cong Nhan, and cyber-activist Pham Thanh Nghien; to the Committee on Foreign Affairs.

By Mr. SKELTON (for himself and Mr. McKEON):

H. Res. 1516. A resolution recognizing the 65th anniversary of the end of World War II, honoring the service members who fought in World War II and their families, and honoring the service members who are currently serving in combat operations; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself and Mr. PAYNE):

H. Res. 1518. A resolution expressing the sense of the House of Representatives on the inaugural Nelson Mandela International Day; to the Committee on Foreign Affairs.

By Mr. McDERMOTT (for himself, Mr. FARR, Mr. LARSEN of Washington, and Mr. BLUMENAUER):

H. Res. 1519. A resolution congratulating the crew of the Ocean Watch for their remarkable voyage around North and South America and recognizing the importance of ocean and coastal conservation; to the Committee on Natural Resources.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

332. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 287 memorializing the Congress to designate the Honor and Remember Flag as a national emblem of service and sacrifice by the members of the Armed Forces who had given their lives in the line of duty; to the Committee on the Judiciary.

333. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 151 memorializing the Congress to reauthorize funding for the Beaches Environmental Assessment and Coastal Health Act; to the Committee on Transportation and Infrastructure.

334. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 205 urging the Congress to restore the presumption of a service connection for Agent Orange exposure for veterans who served on the waterways, territorial waterways and airspace of the Rebublic of Vietnam and in Thailand, Laos and Cambodia by passing the Agent Orange Equity Act of 2009; to the Committee on Veterans' Affairs.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. HILL.
H.R. 208: Mr. HOEKSTRA, Mr. SHULER, Mr. BONNER, Mr. MELANCON, and Mr. DJOU.
H.R. 211: Ms. LORETTA SANCHEZ of California.
H.R. 301: Mr. GRAVES of Georgia.
H.R. 333: Mr. CRITZ, Mr. BONNER, and Mr. COHEN.
H.R. 336: Mr. COHEN and Ms. NORTON.
H.R. 365: Mr. DJOU.
H.R. 536: Ms. MOORE of Wisconsin.
H.R. 564: Ms. McCOLLUM.
H.R. 571: Ms. ROYBAL-ALLARD.
H.R. 614: Mr. SULLIVAN and Mr. PRICE of Georgia.
H.R. 672: Ms. NORTON.
H.R. 678: Mr. YOUNG of Florida.
H.R. 881: Mr. HERGER, Mr. YOUNG of Alaska, and Mr. HARPER.
H.R. 988: Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. WU, and Mr. HODES.
H.R. 1021: Mr. SULLIVAN.
H.R. 1036: Mr. HODES.
H.R. 1066: Ms. TSONGAS.
H.R. 1136: Mr. PAULSEN.
H.R. 1193: Mr. ARCURI.
H.R. 1236: Mr. KUCINICH.
H.R. 1240: Mr. BOUCHER.
H.R. 1294: Mr. DJOU.
H.R. 1326: Mr. ORTIZ.
H.R. 1371: Mrs. MALONEY.
H.R. 1410: Mr. GENE GREEN of Texas.
H.R. 1458: Mr. GUTIERREZ.
H.R. 1569: Ms. WOOLSEY.
H.R. 1792: Mr. TIAHRT.
H.R. 1864: Mr. MELANCON.
H.R. 1923: Mr. ROGERS of Michigan, Mr. ALEXANDER, and Mr. KLINE of Minnesota.
H.R. 2024: Mr. PRICE of North Carolina and Mr. CONNOLLY of Virginia.
H.R. 2067: Mr. SALAZAR and Mrs. CAPPS.
H.R. 2103: Mr. TOWNS.
H.R. 2156: Mr. BOREN.
H.R. 2328: Mr. KIND.
H.R. 2378: Mr. YOUNG of Alaska.
H.R. 2406: Mr. MICA and Mr. BARTLETT.
H.R. 2443: Mr. MELANCON.
H.R. 2598: Mr. INSLEE and Mr. MURPHY of New York.
H.R. 2625: Mr. ANDREWS.
H.R. 2648: Mr. HEINRICH and Mr. GRIJALVA.
H.R. 2685: Mr. DJOU.
H.R. 2828: Mr. TIAHRT.
H.R. 2839: Mr. ROTHMAN of New Jersey.
H.R. 2853: Ms. SUTTON and Mr. WELCH.
H.R. 3077: Mr. GENE GREEN of Texas and Mr. TOWNS.
H.R. 3408: Mr. AL GREEN of Texas.
H.R. 3421: Mr. INSLEE and Mrs. NAPOLITANO.
H.R. 3424: Mr. PASCRELL.
H.R. 3464: Mr. NUNES, Mr. WALDEN, and Mr. HALL of New York.
H.R. 3486: Mr. LEE of New York and Mr. DJOU.
H.R. 3578: Mr. CONNOLLY of Virginia.
H.R. 3680: Mr. DJOU.
H.R. 3718: Mr. ROTHMAN of New Jersey.
H.R. 3720: Ms. HERSETH SANDLIN.
H.R. 3729: Mr. BOSWELL.
H.R. 3758: Mr. CALVERT.
H.R. 3786: Mr. RYAN of Ohio and Ms. SCHAKOWSKY.
H.R. 3974: Mr. AL GREEN of Texas and Mr. TIERNEY.
H.R. 4038: Mr. PLATTS.
H.R. 4106: Ms. BALDWIN.
H.R. 4190: Mr. FRANK of Massachusetts.
H.R. 4195: Ms. TSONGAS.
H.R. 4278: Mr. BRADY of Pennsylvania and Mr. KINGSTON.
H.R. 4311: Ms. BEAN.
H.R. 4386: Mr. KUCINICH.
H.R. 4427: Mr. BONNER.
H.R. 4525: Mr. BONNER, Mr. KLEIN of Florida, and Mr. McCOTTER.
H.R. 4529: Mr. MILLER of Florida.
H.R. 4530: Mr. PASTOR of Arizona.
H.R. 4544: Mr. NADLER of New York and Ms. CLARKE.
H.R. 4557: Mr. AL GREEN of Texas.
H.R. 4594: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4599: Ms. BEAN and Mr. McGOVERN.
H.R. 4645: Mr. POLIS and Ms. MATSUI.
H.R. 4690: Mr. MORAN of Virginia and Mr. HONDA.
H.R. 4695: Mr. DJOU.
H.R. 4733: Ms. KILPATRICK of Michigan and Mr. McGOVERN.
H.R. 4746: Mr. BARRETT of South Carolina and Mr. HELLER.
H.R. 4764: Mr. EDWARDS of Texas and Mr. BRALEY of Iowa.
H.R. 4772: Mr. CHILDERS and Mr. WELCH.
H.R. 4788: Mr. PERRIELLO, Mr. SPRATT, Ms. BERKLEY, and Mr. SESTAK.
H.R. 4923: Mr. SESTAK and Mr. INSLEE.
H.R. 4933: Mr. SIRES.
H.R. 4947: Mr. LUCAS.
H.R. 4958: Mr. BISHOP of Georgia.
H.R. 4972: Mr. SIMPSON, Mr. BUCHANAN, Mrs. EMERSON, Mr. PLATTS, and Mr. BACHUS.
H.R. 4986: Mr. GARRETT of New Jersey and Mr. CALVERT.
H.R. 4993: Ms. WOOLSEY and Mr. WU.
H.R. 5016: Mr. MICA and Mrs. EMERSON.
H.R. 5028: Ms. HIRONO.
H.R. 5029: Mr. GARY G. MILLER of California.
H.R. 5034: Mr. HARPER.
H.R. 5040: Ms. HARMAN.
H.R. 5044: Ms. BEAN.
H.R. 5058: Mr. McCAUL.
H.R. 5081: Mrs. HALVORSON, Mr. BACHUS, and Mr. BURTON of Indiana.
H.R. 5143: Mr. MILLER of North Carolina and Ms. SPEIER.
H.R. 5162: Mr. COFFMAN of Colorado and Mr. COLE.
H.R. 5226: Mrs. CAPITO.
H.R. 5234: Mr. PETERSON.
H.R. 5240: Mr. PAYNE, Ms. FUDGE, Mr. ROTHMAN of New Jersey, and Mrs. CHRISTENSEN.
H.R. 5243: Mr. PAUL.
H.R. 5258: Mr. DJOU and Mr. POLIS.
H.R. 5266: Mrs. NAPOLITANO.
H.R. 5300: Mr. COHEN.
H.R. 5309: Mr. ROTHMAN of New Jersey and Mr. KUCINICH.
H.R. 5359: Ms. ROYBAL-ALLARD.
H.R. 5369: Mr. PETERS and Mr. CHANDLER.
H.R. 5389: Mr. FILNER.
H.R. 5428: Mr. JONES and Mr. KISSELL.
H.R. 5434: Mr. SCHIFF, Mr. SCHRADER, and Mr. CALVERT.

H.R. 5440: Mr. POLIS.

H.R. 5441: Mr. FRANK of Massachusetts.

H.R. 5458: Mrs. HALVORSON, Ms. TITUS, Mr. CONNOLLY of Virginia, Mr. TEAGUE, and Mrs. KIRKPATRICK of Arizona.

H.R. 5460: Ms. LEE of California and Mr. LUJÁN.

H.R. 5471: Mr. DEUTCH and Mr. GRIJALVA.

H.R. 5476: Mr. SESTAK.

H.R. 5487: Ms. LEE of California.

H.R. 5495: Ms. NORTON, Mr. MCGOVERN, and Mr. CLAY.

H.R. 5504: Ms. SCHAKOWSKY and Mrs. MALONEY.

H.R. 5529: Mrs. MYRICK, Mr. CALVERT, and Mr. BONNER.

H.R. 5538: Mr. SAM JOHNSON of Texas.

H.R. 5540: Mr. NEUGEBAUER.

H.R. 5541: Mr. NEUGEBAUER.

H.R. 5542: Mr. NEUGEBAUER.

H.R. 5555: Mr. BUTTERFIELD and Mr. MCCOTTER.

H.R. 5565: Mr. BARTON of Texas.

H.R. 5566: Mr. BISHOP of Utah, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. SAM JOHNSON of Texas, and Mr. TIERNEY.

H.R. 5585: Mr. YOUNG of Florida.

H.R. 5605: Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. DENT, Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. BRADY of Pennsylvania.

H.R. 5606: Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. DENT, Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. BRADY of Pennsylvania.

H.R. 5625: Mr. CONYERS.

H.R. 5644: Mr. MCGOVERN.

H.R. 5652: Mr. ROTHMAN of New Jersey, Mr. QUIGLEY, Mr. DELAHUNT, and Ms. NORTON.

H.R. 5662: Mr. CARNEY, Ms. ROYBAL-ALLARD, and Mr. FILNER.

H.R. 5663: Mr. KUCINICH, Ms. CHU, and Mr. COSTELLO.

H.R. 5664: Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Ms. PINGREE of Maine, Ms. NORTON, Mr. KISSELL, Mr. GEORGE MILLER of California, and Mr. FARR.

H.R. 5679: Mr. REHBERG and Mr. LINDER.

H.R. 5680: Mr. AKIN, Mr. ARCURI, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Ms. BORDALLO, Mr. BOREN, Mr. BRADY of Pennsylvania, Mr. BROUN of Georgia, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. CAMP, Mr. CAO, Mr. CARSON of Indiana, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COHEN, Mr. COLE, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. CRENSHAW, Mr. CULBERSON, Mr. CUMMINGS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DUNCAN, Mr. FORBES, Mr. FRANKS of Arizona, Ms. FUDGE, Mr. GALLEGLY, Ms. GIFFORDS, Mr. GOHMERT, Ms. GRANGER, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. HALL of New York, Mr. HERGER, Mr. HINCHEY, Mr. HINOJOSA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mrs. KIRKPATRICK of Arizona, Mr. LATTA, Mr. LUETKEMEYER, Mrs. MALONEY, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mr. MEEKS of New York, Mr. MICA, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MINNICK, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Ms. NORTON, Mr. NYE, Mr. OLVER, Mr. PETRI, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RANGEL, Mr. REHBERG, Mr. REICHERT, Ms. RICHARDSON, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. RUPPERSBERGER, Mr. SALAZAR, Mr. SESSIONS, Mr. SESTAK, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SNYDER, Mr. STUPAK, Mr. TAYLOR, Mr. TERRY, Mr. THORNBERRY, Mr. TURNER, Mr. WALZ, Ms. WATERS, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. YOUNG of Alaska.

H.R. 5685: Ms. RICHARDSON and Mr. BISHOP of Georgia.

H.R. 5689: Mr. PASTOR of Arizona.

H.R. 5692: Mr. HONDA.

H.R. 5711: Ms. BORDALLO, Mr. PIERLUISI, Mr. SABLAN, and Mrs. CHRISTENSEN.

H. Con. Res. 16: Mr. YOUNG of Alaska.

H. Con. Res. 226: Mr. MINNICK, Mr. TEAGUE, Mr. COSTA, Mr. ORTIZ, Mr. HARE, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mr. SCHAUER, Mr. WU, Mr. PASCRELL, Mr. PITTS, Mr. DOYLE, Mr. COURTNEY, Mr. FATTAH, Mr. LOEBSACK, Mr. THOMPSON of Pennsylvania, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. KLINE of Minnesota, Mr. KING of New York, Mr. ROYCE, Mr. HIGGINS, Mr. CASSIDY, Mr. FALEOMAVAEGA, Mr. LEWIS of California, Mr. DJOU, Mr. MELANCON, and Mr. UPTON.

H. Con. Res. 261: Mr. TIAHRT, Ms. SHEA-PORTER, Mr. TURNER, Mr. COHEN, and Mr. HARPER.

H. Con. Res. 267: Mr. PAULSEN.

H. Con. Res. 274: Mr. SKELTON, Mr. MCCARTHY of California, Mr. TAYLOR, and Mr. MARCHANT.

H. Con. Res. 281: Mr. CULBERSON.

H. Con. Res. 292: Mr. CALVERT and Ms. BORDALLO.

H. Con. Res. 295: Mr. LATTA.

H. Res. 173: Mrs. SCHMIDT and Mr. SKELTON.

H. Res. 611: Mr. ARCURI, Mr. BOCCIERI, Mr. BUTTERFIELD, Ms. CLARKE, Mr. COSTELLO, Mr. COURTNEY, Mrs. DAVIS of California, Mr. DOYLE, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GRIJALVA, Mr. HOLT, Mr. JOHNSON of Illinois, Mr. KILDEE, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. MANZULLO, Mr. MARKEY of Massachusetts, Mr. MCMAHON, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. RUSH, Ms. SUTTON, Mr. TONKO, and Mr. MCGOVERN.

H. Res. 913: Mrs. CHRISTENSEN and Mr. HARE.

H. Res. 1052: Mr. LANGEVIN.

H. Res. 1207: Mr. BACHUS and Mr. TAYLOR.

H. Res. 1226: Mr. SHADEGG, Mr. GINGREY of Georgia, Mr. MURPHY of Connecticut, Mr. CONYERS, and Mr. FRANK of Massachusetts.

H. Res. 1285: Ms. ROS-LEHTINEN and Mr. COHEN.

H. Res. 1308: Mr. DJOU and Mr. HONDA.

H. Res. 1375: Mr. POLIS, Mr. DELAHUNT, Mr. GUTIERREZ, Mr. SESTAK, and Mr. BRADY of Pennsylvania.

H. Res. 1390: Mr. BLUMENAUER and Mrs. CAPPS.

H. Res. 1420: Mr. MCDERMOTT.

H. Res. 1431: Mr. BILBRAY, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. MCCOTTER, Mr. PETERSON, and Ms. NORTON.

H. Res. 1433: Mr. MORAN of Virginia, Mr. BACA, Mr. PAUL, Mr. CRITZ, Mr. GORDON of Tennessee, Mr. OBERSTAR, and Ms. DEGETTE.

H. Res. 1442: Mr. COBLE, Mr. KIRK, Mr. KINGSTON, Mr. WITTMAN, Mr. WOLF, Mr. CAMPBELL, Mr. SABLAN, Mr. MCNERNEY, and Mr. TURNER.

H. Res. 1472: Mr. MICHAUD.

H. Res. 1476: Ms. WATSON, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. SABLAN, Mr. STARK, Mr. DELAHUNT, Mr. BACA, and Mr. WAXMAN.

H. Res. 1483: Mr. WITTMAN.

H. Res. 1494: Ms. FUDGE, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. SALAZAR, and Ms. KILROY.

H. Res. 1504: Mr. THOMPSON of Mississippi, Mr. SESSIONS, Ms. RICHARDSON, Mr. GRIJALVA, Mr. KILDEE, Ms. EDWARDS of Maryland, Ms. DELAURO, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. LEVIN, Ms. NORTON, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. MEEKS of New York, Mr. STARK, Mrs. MALONEY, Mr. RUPPERSBERGER, Mr. MORAN of Virginia, Ms. BORDALLO, Ms. KILPATRICK of Michigan, Ms. JACKSON LEE of Texas, Mrs. CHRISTENSEN, Mr. LOEBSACK, Mr. LEWIS of Georgia, Mr. GONZALEZ, Ms. LEE of California, Mr. DINGELL, Ms. WOOLSEY, Mr. HINCHEY, Ms. ESHOO, Mr. GUTIERREZ, Ms. BALDWIN, Mr. VAN HOLLEN, and Mr. JOHNSON of Georgia.

H. Res. 1513: Mr. POMEROY, Mr. BOCCIERI, Ms. BEAN, Ms. WATSON, Mr. KIND, Mr. MELANCON, Mr. RUPPERSBERGER, Ms. HERSETH SANDLIN, Mr. NEAL of Massachusetts, Mr. COURTNEY, Mr. DONNELLY of Indiana, Mr. YARMUTH, Mr. SMITH of Washington, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. STUPAK, Mr. ENGEL, Mrs. MALONEY, Mr. MCMAHON, Mr. TONKO, Mr. WELCH, Mr. GEORGE MILLER of California, Mr. ARCURI, Mr. QUIGLEY, Mr. MAFFEI, Mr. MINNICK, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. RANGEL, Mr. LOEBSACK, Mr. LARSON of Connecticut, Mr. HALL of New York, Mr. CARNEY, Mr. CROWLEY, Mr. OWENS, Ms. LORETTA SANCHEZ of California, Mr. COHEN, Mr. BARROW, Mr. CARDOZA, Mr. HILL, Mr. KRATOVIL, Mr. HIGGINS, Mr. RYAN of Ohio, Mr. ADLER of New Jersey, Mr. THOMPSON of California, Mr. FOSTER, Mr. BOSWELL, Mr. COOPER, Mr. TANNER, Mr. MOORE of Kansas, Mr. SCHRADER, Ms. HARMAN, Mr. SCOTT of Georgia, Mrs. DAHLKEMPER, Mr. HOLDEN, Mr. CHANDLER, Mr. BISHOP of Georgia, Mr. HEINRICH, and Mr. LEVIN.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5621: Mr. PAUL.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

159. The SPEAKER presented a petition of Legislature of Rockland County, New York, relative to Resolution No. 251 of 2010 requesting that the United States Senate pass S. 2747, the Land and Water Conservation Authorization and Funding Act of 2009; to the Committee on Natural Resources.

160. Also, a petition of Council, District of Columbia, relative to Council Resolution 18-485, the ''Sense of the Council in Support of Uniting American Families Act Resolution of 2010''; to the Committee on the Judiciary.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, JULY 14, 2010 No. 104

# Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, by Your providence, You gave us a nation conceived in liberty and dedicated to equal justice for all.

Today, infuse our lawmakers with this spirit of liberty and justice so that their labors will reflect Your purposes and plans. May their knowledge of your providential purposes keep them from detours that lead away from abundant living. May their small successes prompt them to attempt larger undertakings for human betterment. As they seek to do Your will, bless them with the awareness of the constancy of Your presence. Lord, guide them by Your higher wisdom and keep their hearts at peace with You.

We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 14, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business until noon. Senators will be allowed to speak for 10 minutes each during that period. The majority will control the first 30 minutes and Republicans will control the next 30 minutes.

We are working hard to come to agreement on amendments dealing with the small business jobs bill. I had a conversation with the Republican leader last night. We are hopeful we can reach agreement to move forward on that legislation today. We have to have consent to move off Wall Street reform, but I think that will not be a problem.

As a reminder, yesterday I filed cloture on the conference report to accompany H.R. 4173. That cloture vote will occur sometime tomorrow morning. I will work with the Republican leader to come up with a time that is convenient to both sides.

## MEASURE PLACED ON THE CALENDAR—H.R. 5618

Mr. REID. I understand H.R. 5618 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 5618) to continue Federal unemployment programs.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

## SMALL BUSINESS JOBS BILL

Mr. MCCONNELL. Mr. President, my friend the majority leader mentioned the small business jobs bill. I recently had an opportunity to talk to Senator SNOWE, who is the author of that legislation. I assured her we are anxious to move forward. I appreciate his bringing up the discussion we have been having about reaching a consent agreement that would allow us to expedite the bill. I know my friend from Nevada shares my view that small business is an area that needs attention. We are going to continue to try to come to agreement to move forward with that very important piece of legislation which I support and I believe most Members of my conference do as well.

Mr. REID. Mr. President, as I have said before, this legislation is bipartisan. Most of the bill has been crafted in the past when Senator SNOWE was chairman of the Small Business Committee. I am glad to hear my friend Senator SNOWE has had a conversation with the Republican leader. That is good news. We will see what we can do to move on. I hope everyone realizes that jobs in America are not created in large numbers by big companies; it is small businesses.

In the past few months, we passed a relatively small piece of legislation, but it has been extremely helpful to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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small business. We extended the highway bill for a year. That saved 1 million jobs in America, hundreds of jobs in Nevada. We also had a provision that was unique and has created some jobs that has been extremely helpful. If somebody is out of work for 60 days, they can be hired for 30 hours. We don't set what price they can be hired, the minimum wage or whatever. At the end of their report period for withholding, they don't have to pay the withholding tax. At the end of a year, we give them a $1,000 tax credit for every employee. We also did something that was totally bipartisan, a bill developed by Senators SCHUMER and HATCH. That is what I just talked about. That was totally bipartisan. We had another provision in that bill that said that a small business, if they wanted to buy a piece of equipment, whether it was an automobile, furniture, whatever it might be, no longer had to depreciate that. Up to $250,000, they could simply write it off. We also added to that bill some money for Build America Bonds which local governments loved. That has created some jobs, but it is relatively small compared to the other things we have in this bill before the Senate now. I am glad to hear what the distinguished Republican leader had to say about that.

Mr. MCCONNELL. The majority leader is entirely correct about the importance of small business. We know it creates the vast majority of jobs. There is no question that small business at this particular point is kind of frozen with concern about the economy, about increased regulation, the potential for increased taxation as well. Senator SNOWE has certainly been the leader on our side on focusing on small business and small business job development. I am hoping we can work out a way to go forward on a bipartisan basis. It sounds to me as though both sides agree on the premise. Now if we can get a procedure for moving forward, hopefully we can address this most important subject.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Good morning, Mr. President.

## IMPROPER PAYMENTS

Mr. CARPER. Mr. President, I rise today to applaud, really, to share with our colleagues an important step by Congress to curb waste and, I think, fraud within the Federal Government. Later today our colleagues over in the House, where both the Acting President pro tempore and I once served, are expected to approve a piece of legislation—not a sexy title, but it is called Improper Payments Elimination and Recovery Act—and then they are going to send that bill to the President for his signature.

Every year, for about the last 6 or 7 years, Federal agencies have been required by law—important payments law signed by George W. Bush—to review their payments and to figure out which ones were appropriate and which ones were inappropriate. Initially, back in the middle of the last decade not very many agencies complied with the new law. But thanks to the perseverance of OMB and the commitment of a number of agency and department heads, over time more and more Federal agencies have begun reporting improper payments, mostly overpayments.

As we gather here today, there is still a number of very large agencies that do not comply with the law. The Department of Defense is a huge expender of taxpayer money. The Department of Defense does not comply with the law. The Department of Homeland Security complies in part with the law. If you look at Medicare, for Medicare Parts A and B, I believe they actually do a fairly decent job of complying with the law but for Parts C and D they do not.

But even without the full compliance of all Federal agencies reporting their improper payments, last year close to $100 billion of improper payments were reported by the agencies that are already reporting them. That does not include the Department of Defense. It does not include all of Homeland Security. Frankly, it does not include some other major programs of the Federal Government.

But the good news here is that, one, agencies are beginning to report their improper payments. That is good. The second thing we want them to do is stop making the improper payments. The third thing we want them to do is to figure out where the improper payments have gone, especially the overpayments, and go out and recover the money. That is what we are about here: identify the improper payments and once they have been identified, stop making them. And the third thing is to go out and recover as much of the money as we can.

Why is this important? Well, I think we all know our Nation has a large and growing debt. I am not so sure when the Acting President pro tempore joined the House of Representatives, but I believe he may have been there by the end of the Clinton administration and may recall when we actually had balanced budgets. We went from 1968—I want to say to 2000—maybe 2001—when we actually balanced our budget.

I remember being in a hearing here in the Senate where one of our witnesses—I am not sure; I think somebody from the Federal Reserve maybe, maybe somebody from Treasury—actually expressed concerns at the time that we were in danger of paying down our debt too quickly and that we had some threat of destabilizing our financial system or our economy. Imagine that: a decade ago concerns about paying down our debt too quickly.

Well, we did not do that. We did not pay down our debt at all. Between 2001 and 2008, we doubled our Nation's debt. In those 8 years we ran up as much new debt as we did in the previous 208 years of our Nation's history. We are on course now—even though we are starting to see deficits that begin to trend down—to double our Nation's debt again over the next decade, unless we do some things dramatically different.

Our President, to his credit, has suggested among the things we do are these: No. 1, to put an overall freeze on domestic discretionary spending, starting with this October 1, for the next 3 years. Certain programs within the overall discretionary spending budget can go up, some can go down, but overall, for 3 years, a freeze, and not a freeze that is just adjusted with the cost of living but an actual freeze on nominal dollars.

The second thing he suggested we do—when we tried to do this on the floor, seven of our Members who cosponsored the legislation, the Acting President pro tempore may recall, ended up voting against it. But the idea was to create a commission, much as we have had earlier commissions, and especially back in 1982 we created a commission—President Reagan was the President, Tip O'Neill was the Speaker—to actually examine Social Security, which was about to run out of money. They came up with a bunch of ideas that were adopted and implemented in 1983.

But anyway, when we failed to adopt by law and create a statutory commission on deficit reduction to look at entitlements, to look at revenues, our President, by executive order, created the commission. Erskine Bowles is one of the cochairs, former Chief of Staff to President Clinton. Alan Simpson, a Republican Senator, retired, from Wyoming is the other cochair. The people, for the most part, on the commission are very serious, very smart people. They have been meeting quite a bit.

Their job is to come back to us and tell us, later this year, some ways they think we could actually reduce the deficits further, through entitlement spending and looking at revenues and the way we collect money.

There are still some other things we need to do. I want to mention a few of those. One of those deals is what I call the tax gap. The IRS reported that in the last decade some $300 billion of taxes that have been owed are going uncollected, and in many cases we know who owes the money. We have some idea how much they owe. Despite efforts in the past to close that tax gap, it is still too large, and we need to further continue to concentrate on that. My hope is, in part, this deficit reduction commission can help us with that. In the meanwhile, I know the Finance Committee and others in the House are endeavoring to reduce the tax gap.

A second thing we want to do is to change the way we manage and dispose of surplus property. The Federal Government is a huge owner of surplus properties. We do not use them all. A lot of them are vacant. We pay security costs to secure them. We pay utility costs. We pay maintenance costs in many cases. But we, for the most part, and too often, do not sell them. We do not dispose of them.

There is legislation that has been introduced again in this Congress, working with OMB, working with some of the homeless groups, to try to make sure their concerns are addressed, but that at the end of the day we should not be continuing to own and maintain and secure and provide utilities for thousands of pieces of property, buildings we do not need and we do not use.

Another area deals with weapons systems. It was reported back in 2001 that we spent $45 billion in cost overruns for major weapons systems. Think about that: $45 billion in 2001 on cost overruns for major weapons systems. We got an update on that about a year or two ago, and it was no longer $45 billion. That is the good news. The bad news is, it is about $295 billion.

We had a big debate here last fall, some will recall, on whether we ought to continue to buy F–22 aircraft that cost roughly $300 million a copy at about a 55-percent mission capable rate, which means on any given day only about 55 percent of them can fly. It costs about $45,000 a flight hour. They have never flown a single mission in Iraq, a single mission in Afghanistan. The question is, are we going to continue to buy them? That is the kind of thing we do not need to do.

We had a hearing yesterday in our Homeland Security and Governmental Affairs Committee on whether we ought to continue buying C–17 aircraft. It is a cargo aircraft, a great aircraft. We have about 200, almost 230 of them. The Pentagon says we do not need them, we do not need any more. They say they only need about 190 or 200, no mas, no more. They cost about a quarter billion dollars apiece, plus we have to operate them and provide hangars for them and maintenance, and so forth, and crew them. They said there is a more cost effective way to meet our airlift needs, suggesting what that might be, in part to modernize some older C–5As and Bs, and help make them more efficient and more dependable. We are already starting to do that, and it is actually very encouraging.

What else can we do? We can do little things. I read in the news, maybe 2 weeks ago, we decided to go almost entirely to direct deposits and to move away from paper check. It does not save a huge amount of money, maybe $5 million a year, $50 million over 10 years, but it is the kind of thing we ought to do.

Another idea that has been kicked around for years is whether we ought to give the President something like statutory line-item veto power. Most Governors have line-item veto power, mostly through their State's constitution. Is that a good idea? We tried to do it in the House in 1992, to give like a 2-year test drive, to enhance the President's rescission power. That died in the Senate.

Senators FEINGOLD, MCCAIN, and I have come up, working with the administration, on a 4-year test drive that we think will meet constitutional muster, and to not give forever the President strength in rescission powers, but to make his powers real and to require us to vote on them. It requires us to vote on the President's proposed rescissions.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CARPER. Mr. President, in closing, I want to come back later today and talk about the Improper Payments Act, which is going to be passed by the House today and I hope signed by the President, to speak about why that is another important step to get our fiscal house in order. I appreciate the opportunity to begin that discussion this morning.

I thank you chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

## NOMINATION OF ELENA KAGAN

Mr. CARDIN. Mr. President, next week, the Senate Judiciary Committee will be voting on the nomination of Elena Kagan to be the next Associate Justice of the Supreme Court of the United States. This vote in the Judiciary Committee follows 4 days of hearings on her nomination. As the Acting President pro tempore knows, she is currently the Solicitor General of the United States. We not only had 4 days of hearings, every member of the Judiciary Committee had ample opportunity to ask questions and get responses from Ms. Kagan. We heard from outside witnesses, some who were directly affected by decisions of the Supreme Court of the United States. We reviewed tens of thousands of pages of documents.

I pointed out during these hearings why Americans should be so concerned about who the next Associate Justice of the Supreme Court will be because the decisions of the Supreme Court affect your life. If you work, if you are a woman, if you vote, if you care about the air you breathe or the water you drink, if you are a consumer, you need to be concerned about the Supreme Court of the United States.

The Constitution protects us from the abuses of power, whether those powers are generated by government or powerful special interests. The Supreme Court was designed to be the protector of our constitutional rights.

> We the people of the United States—
>
> ''We the people''—
>
> in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The authors of the Constitution understood the timeless idea that justice was paramount. After questioning Solicitor General Kagan and listening to her testimony for a week, I am convinced she has a clear understanding of how profound an impact her future decisions may have on the lives of everyday Americans.

Based on the hearing and the conversations I have had with her, I am confident she will put the interests of the American people and justice for the American people first, above popular opinion or politics.

As Solicitor General Kagan said in her opening statement to the committee, equal justice under law ''means that everyone who comes before the Court—regardless of wealth or power or station—receives the same process and protections. . . . What it promises is nothing less than a fair shake for every American.''

During the confirmation hearings, I asked Solicitor General Kagan about civil rights, campaign financing, and our environment. I used those three areas to demonstrate how important the decisions of the Supreme Court can be in the lives of everyday Americans. My concerns about recent Supreme Court decisions were an activist court that, by the narrowest margins—usually 5-to-4 decisions—reversed precedent, legislated from the bench, and ruled on the side of businesses over individual rights.

In civil rights, I think the importance of the Supreme Court was underscored by the decision of Brown v. Board of Education which opened educational opportunity for the people of this Nation. I pointed out during the hearings before the Judiciary Committee that it was Thurgood Marshall, a young attorney from Baltimore, who argued that case before the Supreme Court and then became, as the Presiding Officer knows, the first African-American Justice on the Supreme Court of the United States, and one of his law clerks was Elena Kagan.

Recent decisions of the Supreme Court underscore my concern as to

whether the Supreme Court is following legal precedent to protect the civil rights of the people of our Nation. The Ledbetter decision dealt with gender equity. Here the Supreme Court, by a 5-to-4 decision, reversed precedent and the clear intent of Congress to deny women the opportunity to effectively enforce their rights for equal pay by saying to Ms. Ledbetter that she had to bring her case on pay discrimination within 180 days of the discrimination, although it was impossible for her to discover she was being discriminated against during that period of time. Now we have taken action in the Senate to reverse that, and President Obama signed legislation to reverse it, but the Supreme Court never should have ruled against American workers and women in the Ledbetter decision.

I also mentioned the Gross decision which deals with age discrimination where the Supreme Court reversed its own precedent and clear congressional intent to deny an effective remedy on age discrimination, changing the standards in order for a person to be able to bring a case.

I talked about campaign finance and the Citizens United case where the Supreme Court, again by a 5-to-4 decision, reversed precedent, reversed congressional action, and allowed more corporate money into our election system. Corporations don't have enough power already? The Supreme Court gave corporations even more influence in our Federal election process.

I was impressed, and I think the members of the Judiciary Committee were impressed, that the first case Solicitor General Kagan decided to argue before the Supreme Court was to try to uphold our action in Congress regarding campaign finance reform. I think Justice Stevens got it right when he said:

> Essentially, five Justices were unhappy with the limited nature of the case before us, so they changed the case to give themselves an opportunity to change the law . . . there were principled, narrower paths that a Court that was serious about judicial restraint could have taken.

Then, in the environmental arena, I mentioned the Rapanos case where the Supreme Court, once again by a 5-to-4 decision, reversed the clear intent of Congress and legal precedent to restrict the Environmental Protection Agency's ability to protect the clean waters of our Nation under the Clean Water Act. Then, once again, in Exxon v. Baker, the Supreme Court just very recently restricted the amount of claims that can be brought in regards to polluters in the Exxon Valdez issue. That is of particular concern to all of us who are trying to make sure those who have been victimized by the BP oilspill have an effective remedy and that taxpayers don't have to provide bailout for the damages caused by BP Oil.

Solicitor General Kagan stated, in answer to questions before us:

> Congress certainly has broad authority under the Constitution to enact legislation involving the protection of our environment. When Congress enacts such legislation, the job of the courts is to construe it consistent with Congressional intent.

Well, that is the type of person I would like to see, and I hope all of us would like to see, on the Supreme Court of the United States, giving due deference to Congress as the legislative body under the Constitution. She said: The job of the courts is to construe the laws consistent with congressional intent.

I am puzzled by those who have defended these Supreme Court decisions that have taken away our citizens' rights for civil liberties and civil rights and who say that corporations don't have enough power in this country so they need more power; who have jeopardized our environment and have supported those decisions, even though it reverses previous precedent and even though it is legislating from the courts, reversing congressional action. Those who profess to be against judicial activism have supported those decisions by the Supreme Court of the United States.

I am confident Elena Kagan will follow legal precedent. She will respect the rights of the Congress of the United States to legislate. She will protect our rights against the abuses of power, whether it is from the government or from powerful corporate special interests. She will respect the rights of the people of this Nation that the Constitution was so well designed to deal with.

Lastly, let me say she is well qualified to serve on the Supreme Court of the United States. She was the dean at Harvard Law School, Solicitor General of the United States, commonly referred to as the 10th justice because of how closely she has worked with the Supreme Court. She has received bipartisan support from those who know her best. Former Solicitors General of the United States, appointed by both Democrats and Republicans, support her nomination to be the next Associate Justice of the Supreme Court of the United States. When we confirm her appointment, she will be one of three women to serve on the Supreme Court of the United States, the first time in the history of America and a proud moment for this body to confirm her nomination.

Next Tuesday, I will vote to confirm Elena Kagan to be the next Associate Justice of the Supreme Court of the United States. I look forward to when each Member of the Senate will have an opportunity to vote on her confirmation, and I hope it will be an overwhelming confirmation for her to serve the American people on the Supreme Court of the United States.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

## HONORING OUR ARMED FORCES

### SPECIALIST EDWIN C.L. WOOD

Mr. JOHANNS. Mr. President, I rise today to remember and to pay tribute to a fallen hero, U.S. Army SPC Edwin C.L. Wood of Omaha, NE.

Edwin was a proud member of B Troop, 1st Squadron, 71st Armored Regiment of the 10th Mountain Division operating in Kandahar. As many have heard, this area is a Taliban stronghold and one of the most dangerous areas in Afghanistan.

On July 5, only a few weeks after arriving there, Specialist Wood was killed when an improvised explosive device detonated near his vehicle. His death is a great loss to our Nation and to Nebraska, his home State. People in his home community of Omaha recall Eddie's big heart, his willingness to jump right in to help out, and his longstanding love for the military. He was a leader of the North High School Junior ROTC Program. He served as a counselor and a mentor at the YMCA Camp in Crescent, IA, and from an early age participated in military reenactments with his father. Also from an early age he loved wearing uniforms. His nickname was ''Freckles,'' which also fit his cheerful, helpful personality.

After graduating from North High School in 2009, it did not take long to decide that the U.S. Army was the place for him. Specialist Wood's Army career was short yet very intense. After entering the Army in October 2009, he breezed through basic and advanced training before arriving at Fort Drum. Fort Drum is the home of the elite 10th Mountain Division which specializes in fighting under harsh terrain and weather conditions.

Specialist Wood wanted to serve with the best, and his wish came true. Within a month, he deployed to the Kandahar region of Afghanistan. Shortly thereafter he first encountered the enemy that attacked with an improvised explosive device. Despite lingering effects from his injuries, he chose to stay in the fight with his B Troop buddies.

The decorations and badges earned during a far too brief Army career speak to his dedication and they speak to his bravery: the Army Service Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Overseas Service Ribbon, NATO Medal, Bronze Star Medal, and the Purple Heart.

He proudly wore the Combat Action Badge, the Expert Marksmanship Badge with Rifle Bar, and the Overseas Service Bar.

Today, I join Specialist Wood's mother and father, siblings and friends in mourning the death of their beloved son, their brother, their friend.

Specialist Wood made the ultimate sacrifice in defense of our great Nation, and we owe him and his family an immeasurable debt of gratitude. May God

be with the Wood family and all those who mourn his death and celebrate his life and his accomplishments. We will remember Specialist Wood when recalling the Nation's warriors who gave their lives so we might live in peace. Their names are etched on the conscience of this Nation.

I offer my prayers to all those serving in uniform today and especially those serving in peril overseas. May God bless them and their families and see them through these difficult times.

Mr. President, I yield the floor.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business, and I ask I be given as much time as needed. I promise not to abuse that, but it may go slightly beyond the 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

## FINANCIAL REGULATORY REFORM

Mr. DURBIN. Mr. President, probably tomorrow morning, we will consider this conference report, which is historic in its impact on America. It is the conference report of the Banking Committees of the House and Senate, which were charged with the responsibility to reform the financial laws in America, to make certain that our country never faces again what we faced a short time ago under President Bush.

We can remember that at the end of the President's term, when the economy started to go into a tailspin. I remember it very well because there was a special meeting called in October of 2008 of the leaders of the House and Senate—Democratic and Republican—to meet with the Chairman of the Federal Reserve, Ben Bernanke, and the Treasury Secretary, Mr. Paulson, to discuss a matter of great urgency. Those types of meetings are rare around here, and everyone was a little nervous as we entered the room that is a few feet away from the Senate Chamber.

These two leaders of our economy came forward and told us that we were facing the collapse of major businesses in America. Specifically, they pointed to the collapse of AIG. It was an insurance company—the largest in our country. Unfortunately, they had engaged in some practices where it had promised as an insurance policy that it would back up commercial transactions. If they fail, AIG, the insurance company, would come in and make the parties whole.

They overextended themselves. In so doing, as these commercial transactions started to fail, AIG did not have sufficient reserves to meet their promises. There was a fear that if they started this cascading effect of failures and the inability of AIG to keep its promise, it would result in a panic in our economy and a decline, which would have been even more precipitous than what we had imagined.

It was at this meeting that Ben Bernanke of the Federal Reserve said they were going to provide significant resources to AIG to help them weather this crisis. It came as a surprise to many of us in the room, unaware of the fact that the Federal Reserve had both the resources and the legal authority to do that. It is an authority that had not been exercised, to my knowledge, since it was first created almost 80 years ago.

That was the first meeting. It was an indication of a terrible, rocky, rough road ahead for America and ultimately for the world. Subsequent meetings were even more alarming, as we were told by Secretary of the Treasury Hank Paulson that unless we came up with $800 billion in what was known as the TARP fund, which would be used to basically bail out the largest financial institutions in America, America's economy and the global economy could collapse. I have been involved in public life for a number of years. That is the type of conversation you never forget. Many of us were at a loss to argue the other side of the case that the problem was not that large or that the response did not have to be that significant or that the strategy and tactics were not the right ones. This was really uncharted water. We relied on our economic leaders from the Federal Reserve and from the Department of the Treasury to suggest what we needed to do to go forward.

This rescue operation had some real value, I believe, in slowing down the decline in our economy. But just a few weeks after that, the election of the new President, Barack Obama, really gave to him and the new administration economic challenges which no previous administration had ever faced. When the President came to office, in the month he was sworn in, almost 750,000 were losing their jobs. In the span of the next 60 and 90 days, the numbers grew. The President walked into a terrible situation, with the economy still in decline, with the TARP program President Bush had started in process but not completed, with unemployment reaching modern-day record levels, and with no end in sight. He inherited the biggest deficit in the history of the United States from President Bush. What a contrast to what President Bush inherited 8 years before.

Yesterday, when President Obama named Jack Lew as the new head of the Office of Management and Budget, he said Jack, who is an extraordinarily talented public servant, is fit for the Hall of Fame. I am sure Jack Lew, a modest man, would dispute that. The record speaks for itself.

In his former capacity as Budget Director under President Clinton, Jack Lew, in January of 2001, left President George W. Bush a surplus in the Federal Treasury of $236 billion. That is an amazing legacy, to end 8 years of President Clinton's administration with a surplus in the Federal Treasury, the deficit coming down, Social Security getting stronger, and to hand it off to President Bush. At that moment in time, the accumulated debt of the United States of America from the time of George Washington until the end of the Clinton Presidency was approximately $5 trillion. Eight years later when President George W. Bush left office, the accumulated debt of America had grown from $5 trillion to $12 trillion—more than doubled in an 8-year period of time. Instead of leaving to President Obama a surplus, as President Bush had inherited from President Clinton, he left him a $1.3 trillion deficit. President Bush's administration, which was dedicated to balancing the budget and conservative fiscal policy, more than doubled the national debt that had been accumulated by America in its entire history, and instead of leaving a surplus for incoming President Obama, left him a gaping hole in the budget.

In that context, we have many challenges, but one of the challenges is to make sure we never, ever again experience what happened with these terrible decisions being made on Wall Street and the virtual collapse or decline of the American economy, which led us into our deficit situation, to the business losses across America, and record levels of unemployment.

President Obama challenged us to come forward with Wall Street reform, change the way we do business on Wall Street so we never have to go through this again. Let's not have a repeat of this economic disaster. I commend Chairman Chris Dodd and Chairman Barney Frank for the extraordinary effort they put into this conference report.

More than 2 years after Bear Stearns failed, more than 18 months since Wall Street brought America to the brink of another depression, more than a year after President Obama provided his outline for strong financial reform, finally Wall Street reform is coming. After 8 million Americans—actually, more than 8 million Americans—have lost their jobs; after more than 1.2 million Americans have lost their homes; after the American average household has lost 20 percent of its accumulated wealth and savings, finally Wall Street reform will help prevent such a crisis from ever occurring again.

As we began this debate in the Senate several months ago, we were faced with a series of challenges and questions:

Should we give America's consumers the strongest consumer protections in our history or should we allow Wall Street to continue to do business as usual, complete with the fine print, the tricks and the traps, and the shadowy markets we have today in America?

Should we empower consumers to make informed choices for themselves and their own economic future when it comes to mortgages, credit cards, and student loans by forcing banks and credit card companies to offer clear terms in plain English or should we allow Wall Street and the predatory lenders to continue to skirt the law, knowing there is no cop on the beat to enforce it?

Should we force the Wall Street banks to make their big gambling bets on commodities and everything else they can dream up out in the open, on fully transparent exchanges, or should we allow Wall Street to continue running a multitrillion-dollar shadow casino, one nobody can monitor, one that allowed AIG to nearly cripple the entire financial system?

Should we protect the taxpayers so they never again are faced with bailing out the biggest banks in America? And—let me add insult to injury—after we put all our hard-earned tax dollars into bailing out the big banks, they showed their gratitude by giving bonuses, multimillion-dollar bonuses, to one another. Should we change that? That was one of the questions facing us when we debated this legislation.

This conference report has the right answers to those questions. The Dodd-Frank Wall Street Reform and Consumer Protection Act accomplishes two basic goals: It substantially reduces the risk that financial markets will cause the economy to implode again, and it empowers consumers and small businesses to make better financial choices.

To reduce the risk of another financial crisis, this bill strengthens three traditional layers of oversight of financial institutions:

First, the bill improves basic bank governance so institutions are run more carefully and more prudently. Executive pay and banking is going to be tied more closely to long-term gains rather than massive risk-taking, short-term thinking, and mortgages and other loans will have to be underwritten much more carefully.

Second, the bill helps creditors and investors spot problems more easily at banks that continue to be run poorly. That imposes an extra layer of discipline when bank boards fall asleep at the wheel. Credit rating agencies and the SEC will provide much better information to investors in both the debt and equity markets than investors have today. I might add, as chairman of the subcommittee which funds both the Securities and Exchange Commission and the Commodity Futures Trading Commission, we are dramatically increasing the resources for each of those watchdog agencies to make sure they can implement the new powers given them by this law.

Third, the bill strengthens the regulatory structure that oversees the financial industries. That will help us identify and address failures at these institutions that are not properly managed either by bank leadership or by pressure from the debt and equity markets. A new Financial Stability Oversight Council will require regulators to work together more closely to minimize systemic risks. A new resolution authority will give regulators tools they lacked when Lehman Brothers was in meltdown. And risky derivatives will be brought out of the shadows and into transparent clearinghouses and exchanges so that the transactions can be seen rather than hidden from public scrutiny.

That is all very important, but outside Washington and New York, many American families and small businesses are basically going to ask: That is all well and good, Senator. What is in it for us?

The Dodd-Frank conference report will bring basic accountability and fairness to consumers and small businesses across the Nation.

First, a new Bureau of Consumer Financial Protection will protect consumers of financial products from the worst forms of abusive lending.

One of the benefits of this job is we get to meet some of the most impressive people in America. One of those persons is a woman named Elizabeth Warren. She is a law school professor at Harvard. Several years ago, Professor Warren came and spoke to us at one of these weekend getaways we have to try to think beyond the pressing business of today in longer terms. She said what we need in this country is an agency that helps consumers have enough information so they can make the right choices for themselves when they are making financial decisions.

I went up to her after her remarks, and I said: Professor Warren, I want to introduce that bill. Will you help me write it?

And she did. I introduced the earliest legislation on this issue. My version of it has been included in this bill but changed. I think they have improved substantially on the original bill I offered, but credit should be given where it is due. Professor Warren inspired me to write my bill and I know inspired many on the conference committee to follow through and pass this legislation.

Lenders will have to compete for business based on good loans rather than competing to dream up clever tricks in order to drain as many dollars as possible out of borrowers' pockets.

Finally, there is going to be a cop on the beat with this consumer financial protection agency to ensure that mortgage brokers, private student lenders, payday lenders, banks, and credit unions provide consumers with complete information so families can make good financial choices. I cannot tell you how much the banking lobbyists hate this provision. They came to my office and said: This is the worst idea possible, to have an agency that is going to watch the documents we put in front of our borrowers to make sure they do not include deceptive language, tricks, and traps that could literally cost a person, a family, the money they have saved. Fortunately, we overcame that lobby and included this consumer financial protection agency as part of the act. Finally, there is going to be a single voice in Washington, DC, with the mission of helping consumers make the right decisions for themselves.

Second, small businesses and merchants will receive relief from one of their largest expenses over which they currently have no control—debit card interchange fees. For most people, they never heard of it. But ask a restaurant, a business, a grocery store in Iowa, in Illinois, or in New Mexico what is the biggest pain in the neck they are running into, and they will tell you that on the short list is the money they have to pay to Visa and MasterCard and other credit card and debit card companies every time a customer uses a card. You don't think about it, do you, that when you hand over that credit or debit card to pay for your restaurant bill, not only do you have an obligation to pay what you have just charged but the restaurant is going to end up paying a percentage of your bill to the card company.

It turns out that small businesses and merchants across America have literally no strength, no power, no voice in determining these interchange fees. We are becoming more and more a plastic culture. Our young pages here in the Senate—and I think of my own children—many of them don't carry much cash around any more. They have little plastic debit cards and credit cards which they use when they become of age and are eligible for them. More than half the transactions in America now are done in plastic. As more of these transactions take place, the merchants and businesses which honor the cards find that the interchange fees charged by the credit card companies are virtually uncontrollable, until this bill.

For years, Visa and MasterCard, and their big bank backers, have unilaterally fixed prices on the fees small businesses pay every time they accept a debit card from a customer. The two giant card networks control 80 percent of the debit card market—that is Visa and MasterCard. And it is no surprise that debit interchange fees have risen, even as the price of processing the transaction has fallen. They can impose these prices and say to the local businessperson: Take it or leave it. Small businesses in Illinois and throughout the country have pleaded over and over again with these card network giants: Give us some way to reduce these costs so that we can reach profitability, hire more people, and prosper as a business and pass on savings to consumers.

The conference report that we have before us will require the Federal Reserve to ensure that Visa, MasterCard, and their big bank allies can only charge debit interchange fees that are reasonable and proportional to the cost of processing each transaction. It also prevents Visa and MasterCard from engaging in certain specific anticompetitive practices. I might add, the Department of Justice's antitrust section has confirmed publicly, at a meeting before the Senate Judiciary Committee a little over a month ago, that Visa and MasterCard are currently under investigation. Finally, Visa, MasterCard, and the Wall Street banks will face some check against their unbridled market power in the credit and debit industries.

Finally, small businesses and merchants are going to have relief that will lead to real savings, profitability, and reduced cost for consumers. The Dodd-Frank Wall Street Reform and Consumer Protection Act is a landmark bill, including the most sweeping reforms to Wall Street since the New Deal.

Let me tell you the political reality. In the Senate, there are 41 Republican Senators. The bill I have described should be a bill supported by both sides of the aisle. We will be fortunate to have four or five Republicans step up and join us to pass this bill. The overwhelming majority of Republicans will oppose this bill and side with the banking industry.

One of the Republican leaders in the House, JOHN BOEHNER of Ohio, said we were using with this bill a nuclear weapon to kill an ant. I don't think anybody in America believes the recession we are facing today, with 8 million unemployed and 1.2 million losing their homes, is an ant. It is devastating to the millions of Americans who are unemployed and those who are losing their homes. I think this response is a measured, thoughtful, good response to deal with it.

Why don't we have the support of more Republicans? Why won't they step up with us and make this bipartisan? Four or five of them will have the courage to do it, and I tip my hat to them. I am glad they are joining us. This should be a bipartisan effort. But the others need to explain why they do not want us to move forward with financial regulatory reform. They have to explain why they wanted to stand for the status quo, leave the laws as written, and run the risk of another recession in another day, leading to millions of people losing their jobs and businesses failing. They do not have an answer for that. Their vote against this will be good news to the banking industry, the special interest groups, such as credit card companies, but it certainly doesn't face the responsibility we all have to deal with the economic crisis facing this Nation.

On behalf of the taxpayers in Illinois and throughout the country, who never again want to bail out big banks, I wholeheartedly support this bill's passage. On behalf of consumers and small businesses in Illinois and throughout the country, who want the power to make wise financial choices, I wholeheartedly support this bill. I am going to urge my colleagues to vote yes on this conference report so that President Obama can sign this bill into law.

Finally, reform will have to come to Wall Street.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Iowa.

## EXTENSION OF UNEMPLOYMENT COMPENSATION

Mr. HARKIN. Mr. President, I want to thank my friend and our majority whip, Senator DURBIN, for laying out, I think in very stark and honest and open terms, what we are facing in this country today. I wish to pick up on that and to carry it a little further in talking about the number of people who are unemployed, what is happening to people across America today who can't find work, while the Congress sits here immobilized, unable to pass an extension of unemployment insurance benefits.

It is unconscionable what is happening to so many people in America, through no fault of their own—people who are at the end of the line. They are looking to us, asking us to do something. Yet the Congress sits here immobilized, unable to act. We are unable to act because a small minority here in the Senate on the Republican side refuses to let us move ahead with an extension of unemployment insurance benefits. If we could ever have a vote—if we could get a vote on it—we would get over 50 votes. A majority would vote for the extension. But once again, under the rules of the Senate, a minority of the Senate gets to decide what we vote on.

I wonder how many students in government classes that are being taught in high school today, even in college, are being taught that the majority does not govern in the Senate. I wonder how many understand that in our democratic form of government, 41 Senators decide what we vote on—41. Not 51 but 41 Senators decide what legislation comes before this body.

You can go back to the Framers of our Constitution and read all they wrote in our Federalist Papers—what Madison said and others—and they all warned against the tyranny of the minority. That is why they set up a system of majority rule. I think it was Madison who referred to the aspect as perhaps a small junta being able to control legislation if we did not have a majority vote. Well, we have turned that on its head. Because today, a minority—41 Senators—decides what we vote on. Please explain that in terms of our democratic principles to kids who are taking government classes throughout America today.

Go to other countries, where we are trying to get them to establish democratic forms of government, and tell them: Oh, it is okay to have a minority decide what you vote on. They have to scratch their heads and say: What are you talking about? We need a majority. Yet here in our own country, a minority rules in the Senate.

I know a lot of polls show that people are angry and they are mad at Congress. I can understand that. If I had been out of work for 99 weeks and I had a family to feed and house payments to make and all of a sudden my unemployment insurance benefits ended, I would be pretty mad at Congress too. I think what the Republicans are counting on is that this fall they will be so mad they will vote against whoever is running Congress, and that is the Democrats, obviously. That is what they are counting on; that people will vote because they are mad, they are angry, and they will vote the Democrats out. Yet it is the Republicans, a minority, who are keeping us from voting on extending unemployment insurance benefits.

I don't care what my friends on the other side of the aisle think. The American people will know. People are not stupid. The voters of this country are pretty smart. Oh, you might fool them for a little bit. As Abraham Lincoln said: You can fool them for a little bit, but not all the time. And pretty soon they will catch on. They will catch on that the Congress is not acting because a small minority of the Senate will not let us act.

A group of business economists recently released their economic outlook and they said that we are on track for recovery. They gave a large share of the credit to the Recovery Act that we passed last year, of course without one single Republican vote. I think the recovery bill prevented a catastrophe. But, quite frankly, the economy is still in the doldrums. Sales of new homes plummeted last month to 33 percent, the lowest level in 40 years.

According to the Federal Reserve, U.S. companies—get this—private U.S. companies are now hoarding an all-time high sum of $1.84 trillion in cash. Companies in America are holding $1.84 trillion in cash. They are unwilling to invest, to hire, or to expand. So again, it is a very fragile recovery that could dip back into even another big recession.

We had the Great Depression in the 1930s. In the 1990s, as a result of the profligate spending and the huge tax cuts for the wealthy under the Bush administration and the Republicans who controlled Congress—as the Senator from Illinois pointed out—President Obama was left with a deficit of $1.3 trillion. When President Clinton left office, there was a budget surplus of about close to $300 billion. Because of all that, we have had the great recession of the 2000s—2007, 2008, 2009, and now 2010.

A lot of figures are thrown around about how many are unemployed. The official unemployment is 9.5 percent

with nearly 15 million workers. But the real unemployment, including those discouraged workers, those who are working part time because they can't find a full-time job, is close to 26 million Americans. Twenty-six million Americans can't find a full-time job. They are desperate and they need help. Right now, there are five job seekers for every new job opening. Actually, more accurately, there are more than eight. This 26 million who are right now unemployed, officially, they say, there are about 5 to 6 unemployed workers for every job. But actually, it is closer to about eight job seekers for every opening.

I was reading an article in the Post yesterday. Michael D. Tanner, a senior fellow at the Cato Institute—a libertarian think tank—said:

> Workers are less likely to look for work or accept less than ideal jobs as long as they are protected from the full consequences of being unemployed. That is not to say that anyone is getting rich off of unemployment or that unemployed people are lazy, but it is simple human nature that people are a little less motivated as long as the check is coming in.

Boy, that almost takes your breath away, that we have people such as this in high places who are setting economic policy, or trying to set economic policy. He says: As long as people are protected from the full consequences of being unemployed. What does he mean: They have to starve; they have to go out on the street corner with hat in hand, give up their homes, put their furniture out on the street, send their kids to the orphanage? Is that what Mr. Tanner means by the full consequences of being unemployed? Maybe starving; can't get enough to even eat? What is he talking about—the full consequences—when there are eight people looking for every job?

He says that by extending unemployment benefits, it makes people less inclined to look for work. You wonder where people like this come from. Where did they ever go to school? What did they learn in their lifetimes? Or are they just so uncaring about their fellow human beings that they just say: Let it happen. Whatever happens, let it happen and the government can't do anything to help.

We had that attitude prior to the 1930s, prior to the Great Depression. But I thought we turned the corner. I thought we recognized that government could be an instrument to make sure that people's lives were not miserable, that they did not have to suffer the ''full consequences of being unemployed,'' being thrown out on the street or starving or putting their kids in orphanages because they couldn't take care of them any longer. I thought we turned the corner on that. But, obviously, there are some who would like to turn the clock back.

There are eight job seekers for every one unemployed. They are hanging by a thread. Their savings are exhausted. They have no safety net whatsoever. Every day we get stories in our office, heartbreaking stories, of families back home struggling to survive, but there just are not any jobs. I heard from a woman in Waukon, IA. She worked in the same job for 33 years, the plant closed, she and 300 other workers lost their jobs. This is in a town of 3,500 people. She is a diabetic without health insurance. She has applied for more than 200 jobs. She is crying out for a job. She wants to work, but she comes up emptyhanded because there are no jobs.

I heard from a worker in the Des Moines area who had been in the insurance industry for many years and was laid off a year ago. Her benefits were cut off last week. Here is what she said:

> My concern is that my family cannot survive without the unemployment benefits. We have depleted our savings just to save the house and not get behind on the bills. I know there are others far worse off. Please help pass the emergency unemployment insurance extension.

These are hard-working people. They have tried their best. They have not shirked their duties and responsibilities. They are being good citizens, hard-working citizens. What we are talking about is just a matter of fundamental fairness and decency and using the power of the government to make sure people do not—what did Mr. Tanner say?—''suffer the full consequences of being unemployed,'' whatever that may mean.

Yet in the face of these families in this crisis, the extension of unemployment insurance benefits is stalled, it is stuck. I would say it is cruelly obstructed in the Senate. We have tried time and time again to pass an extension. Every time it is blocked by our Republican colleagues on the other side of the aisle. As a result of this, more than 2 million Americans have now exhausted their unemployment benefits.

Actually, when I took this floor before the Fourth of July recess, I talked about the number of people who would be out, and I said it would be about 2 million. It is now 2.5 million. Last week, 2.1 million; this week, 2.5 million. These are people out of work. They have been out of work so long, although they have looked for work, that now their unemployment benefits are gone.

I ask people to think about it. Around this place we all have jobs, don't we? We all have jobs. Everybody who works on the Senate floor has a job. I have a job. You, Mr. President, have a job. We get paid pretty darned well too. We are not facing unemployment. No one who works here is facing unemployment. Just think how you would feel. Just think how you would feel if you got a pink slip yesterday, and it said don't come to work next week. You have house payments to make, you have kids in school, maybe one in college or two. You might even have car payments to make. All of a sudden you are out of work and you cannot find a job. They say: I am sorry, you can't get unemployment benefits either. What do you do? What do you do?

Put yourself in the shoes of these people. What would you do? How mad would you be at the U.S. Congress and the government if you had worked all your life, like this woman from Waukon, 33 years—out of work, diabetic, no health insurance, has applied for over 200 jobs, can't find a job, and we cut off your unemployment benefits? How mad would you be?

We keep hearing this, and I have heard it from the other side of the aisle, I have heard it from Sarah Palin and others, that people are lazy. They just rely on those benefits instead of looking for work. Even the distinguished minority whip, Senator KYL, put it recently—here is the quote:

> Continuing to pay people unemployment compensation is a disincentive for them to seek new work.

There are eight people looking for every job. How low do we have to drive people down? I suppose if we paid people 50 cents an hour we might get people to work, to do things. Is that what we have come to as a country, that people have to be pushed that far down before we respond?

I think those who say people are just lazy are out of touch with reality. Let's look at the facts. Numbers vary from State to State. Unemployment insurance benefits vary from State to State. Right now it is about $300 a week average nationwide—$300 a week. For a family of four, get this, if you get unemployment benefits—if you are lucky enough to still be on them—you are getting $300 a week average. That is about $15,000 a year. Can you keep your family going on $15,600 a year, a family of four? The poverty line is $22,000. I suppose, according to my friend from Arizona, Senator KYL, if you are getting $15,600 a year, that is a disincentive for you to try to find a job that pays more than $22,000.

I don't understand the logic of that reasoning. The truth is, the long-term unemployed would like nothing more than to pull themselves up by their bootstraps. But the problem is, in the economy right now we are kind of short of bootstraps.

Another argument I hear from our Republican colleagues is that extending the unemployment benefits will add to the deficit. Their argument is that we should cut off some of the most desperate people in our economy, take away their last meager lifeline, because we are concerned about the deficit. Yet those very same Senators are demanding that we extend hundreds of billions of dollars in tax breaks for the wealthiest Americans in our society. My friend, the Senator from Vermont, Mr. SANDERS, who was here yesterday morning, gave a great speech on what is happening in our society in terms of the few controlling more and more and the rest getting less and less. As he pointed out, the top 1 percent, the richest people in America, control 90 percent of the wealth. They control 90 percent. The rest can get all the rest. Yet

my Republican colleague said we have to keep giving them more tax breaks, but we cannot help people who are unemployed; it will add to the deficit.

Extending these tax breaks for the wealthiest in our society also adds to the deficit, but I guess in their way of thinking that is all right.

Again, when we talk about extending these tax breaks, my friends on the Republican side, they don't say we have to find an offset for it. They say, no, add that to the deficit; we don't have to pay for that. But if we want to extend unemployment benefits, we have to somehow pay for that.

Again, I am sorry, I am lost in the logic of that. According to our Republican colleagues, adding massively to the deficit to finance tax breaks for the wealthy is fine, but adding to the deficit to extend benefits for the long-term unemployed is unacceptable. I just happen to think those are misplaced priorities.

Let me speak a little bit about deficits because they are a concern and they are something we do have to pay attention to and we are going to have to fix for the long term. We are in a fiscal mess. But it was not so long ago then-Vice President Dick Cheney dismissed the need for fiscal responsibility when they were cutting tax breaks for the wealthy, spending more and more. Here is what he said: ''Deficits don't matter.''

Vice President Dick Cheney said: ''Deficits don't matter.'' Again, under his administration, with President Bush, they didn't matter. Boy, the deficits just spiraled out of control. I do not remember any significant Republican dissent from Mr. Cheney's view during that period of time, that deficits don't matter because they were off going after weapons of mass destruction in Iraq, and that misplaced war has cost us pretty close to $1 trillion, not counting untold lives lost, people injured for life. And the tax breaks for the wealthy spiraled us, again, into a deficit. But Mr. Cheney said deficits don't matter.

I tend to disagree with Mr. Cheney. Deficits do matter. They matter because when Mr. Clinton was President, we got out of the deficit hole. They said deficits don't matter when Republicans were in control. Now they say deficits do matter. They blame the Federal Government's fiscal mess on President Obama and actions taken by this Congress. That takes a wholesale rewriting and air brushing of recent history.

As we all know, it was the administrations of President Reagan and George Herbert Walker Bush in the 1980s that launched America into a new era of large budget deficits. President Clinton then spent the following 8 years cleaning up the fiscal mess he inherited.

In 1993, President Clinton, along with the Democrats, the Democratic Congress, passed a painful but a courageous deficit reduction plan without one single Republican ''yes'' vote in the Senate. That plan not only produced record budget surpluses, it expanded our economy. People were employed. It put us on a path, by the year 2000, to completely eliminate the national debt within a decade. We could have wiped out the national debt.

I remember that debate. I was here. In 1993, I remember the Senator from Texas, Mr. Gramm, getting up, wailing about how this plan was going to destroy America. It was going to plunge us into fiscal crisis. It was going to create unemployment. It was going to create a disaster.

We passed it without one Republican vote. Look what happened: the economy grew, unemployment went down, we paid down the national debt, and we left in 2000 with a huge budget surplus.

Yet in 1994, the year after we passed this without one single Republican vote, Republicans were all over the country taking the Democrats to task for raising taxes. You know what happened in 1994. The Democrats lost the Senate and lost the House and Republicans took over. But we were able to keep that program intact. They couldn't repeal it and we kept it intact during the 1990s, resulting in a good strong economy, more employment, less unemployment and, as I said, putting us on a plan to pay off the national debt.

Then in 2001 George Bush came to office, Republicans gained control, and again we moved into deficits once more in our country—huge deficits. As my friend from Illinois said, according to CBO, when President Obama took office we had a $1.3 trillion deficit. When President Bush took office in 2001 we had about a $300 billion surplus. What a difference. What a difference.

Now, because of the profligate spending and the deficits of those 8 years of Bush, because of the huge hole we were in when President Obama took over, our economy is in a tailspin.

Now we are trying to work our way out of it. That is why we had the Recovery Act. The Recovery Act helped us gain more jobs in this country. As I said, it kept us from having a catastrophe. Now we know we can bring the deficit back under control. We did it during the Clinton administration, and we can do that again.

As my friend from Illinois said yesterday, President Obama nominated Jack Lew to serve as Director of the White House Office of Management and Budget. He held that same position in the Clinton administration, in the latter years of the Clinton administration. So again we are looking to Mr. Lew to help us work our way out of this mess we are in.

So I can say that we Democrats are proud of our record of fiscal responsibility. But forgive us for asking: Why is it that again and again we Democrats are cast in the role of the shovel brigade in the circus cleaning up after the elephants? Why are we always doing that? And then people get mad because we have to clean up the mess. Well, I am tired of being the shovel brigade after those elephants. We all understand that deficits are unaffordable and unsustainable. However, among economists, a broad array of economists in this country; among many Senators—I am one of them—I believe there is a more immediate and urgent concern; that is, getting a recovery from the deepest economic downturn since the Great Depression. Do unemployment benefits cost money? Of course they do. Are they in our long-term interest? Absolutely.

The single most effective way to reduce the deficit is to keep the recovery on track. If we can do that, we can reduce the deficit, according to CBO, from 10 percent of GDP this year to 4 percent by 2014. I will be the first to say we cannot do it overnight. We did not do it overnight in the 1990s. It took us literally 8 years, but it built up slowly, and toward the end we were really rolling by the year 2000: low unemployment, the economy was booming, we had budget surpluses. But it took a long time to get there, and it is going to take us some time to get back there again. But extending unemployment benefits is an essential way to keep us on that path to recovery.

Economists calculate that for every dollar invested, the unemployment insurance safety net generates about $1.63 in economic activity. Again, they tell us: If you are going to spend government money, if you are going to do that, you get the most bang for the buck by putting it in food stamps. Because when poor people get food stamps, they go out and they buy food. The next is unemployment benefits. When you give it to people who are unemployed, they go out and they spend that money. They buy food, they pay their rent, they pay their food bills, they pay their clothing bills, they pay for car payments, house payments, all of those things just to keep afloat. So that spurs economic activity. Yet look down here—extending the Bush tax cuts. For every dollar we extend the Bush tax cuts, we only get back 49 cents. Compare that to unemployment benefits. Yet the Republicans want us to do this, spend every dollar we have to extend the Bush tax cuts, for which we will get back about 49 cents. They do not want to do unemployment benefits that for every dollar we spend we get back $1.63 in economic activity. They say unemployed households spend these dollars on immediate needs.

From the Recovery Act alone in Iowa, more than 3,700 jobs were created in 2009 thanks to the economic activity of the Recovery Act. Did that get us all of the way out of the recession? No. But it sure as heck helped a lot of families and kept us from sinking even further. So that is why we had the Recovery Act, which has at least helped us out of a depression.

David Walker is the former Comptroller General under the Bush administration, the George W. Bush administration. Now he is president of the

Peter G. Peterson Foundation, an organization that is single-mindedly focused on cutting long-term deficits. Last week, he testified before the bipartisan deficit reduction panel. He said it is a ''myth that we cannot address our current economic crisis and our long-term fiscal crisis at the same time.'' Yet that is what we are hearing from Republicans: We can't do both of those; we have to focus on the deficit, and don't worry about the crisis we have right now.

David Walker continued:

> In our view, the answer is to continue to pursue selected short-term initiatives designed to stimulate the economy and address unemployment, but to couple these actions with specific meaningful actions designed to resolve our long-term structural deficits.

Well, I agree. We have to address the short term and then think about the things we have to do here to address the long-term problems of the deficit.

So, again, for the sake of all of the families who have written in to my office, for all of the families who are at the end of the line, I urge my colleagues on the other side of the aisle to stop this cruel obstructionism and do the right thing right now for people who desperately need our help. Stop the filibuster. Let us vote. There are more than 50 votes. There is a majority here to extend unemployment benefits. I ask the minority to allow us to vote on it, to help these families in desperate need all over the country.

It is my intention, as often as I can, to get to the floor to continue to speak about the desperate needs of those families we cannot continue to ignore.

To those who think they can gain politically at the polls in November, who think they can gain politically by having people suffer more, by having them more desperate and more destitute, I say that is an aberration, that is a total abdication of our responsibility as officers, as people who are sworn to uphold and defend the Constitution of the United States. It is unworthy. It is unworthy of a great country for their leaders, for their elected leaders, to show they can get political gain by making people more desperate than they are today.

So I hope we can have the vote, we can extend the unemployment benefits, and we can help people who really need a lifeline right now. Anything short of that is not worthy of our great country. I urge the minority to let the bill come up for a vote so we can vote it through. It should be done this week.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRESSIONAL TO-DO LIST

Mr. DORGAN. Madam President, the to-do list in the Congress, and especially in the Senate, is long and difficult. We have witnessed all of this year a determined minority to act as a set of human brake pads. The minority has tried to stop almost everything in the Senate, including providing extended unemployment benefits for those who are out of work during the country's deepest recession since the Great Depression. It is unbelievable to me.

It seems to me everyone should understand that when we are in a deep recession, as we have been—and we are coming out of it—that is the time to extend unemployment benefits because it is necessary to do. Yet it, too, has gotten caught in this trap of saying no to everything.

I wish to go over just a bit of the to-do list in the Senate. First and foremost, there is no question that one of the most significant challenges facing this country is debt and deficits. Everybody understands that. The question is, How do we deal with it?

The President is criticized for describing what he took over, but it is pretty important. You go to a rental car dealership and they want you to look around and see what the car is like before you rent it, right? This President ran for President, but when he took over this economy, had he done nothing, not lifted a finger, the Federal budget deficit was going to be $1.3 trillion. On the first month of his Presidency, the economy he was left with had 680,000 people losing their jobs in that month.

This economy was in steep decline. That is what he inherited. It is not my taking a half hour to describe what was wrong in the previous 8 years, it is stating the obvious. What do we try to do about that?

Well, the President has created this commission to try to address the deficits and debt that have come from this steep economic decline. When a country is experiencing a very deep recession, there is less revenue coming in. We were losing about $400 billion in revenue that we used to get. And then we have higher expenditures going out because we have the economic stabilizers that we pay for in order to help people during times of economic distress. So we had these unbelievable Federal budget deficits. That is not surprising. That will happen when there is a very steep economic downturn.

But we can't, it seems to me, go into this with a structural imbalance, as we had, and then have a deep recession and have deficits explode and then not have a plan to deal with them. So the question is for all of us—the President and the Congress—what do we do?

The President has created a high-level bipartisan commission to say: All right, come up with a set of recommendations by the end of this year of what we can do. What are the range of issues with everything on the table? Yes, discretionary spending, military spending, entitlements, all of it. What is the menu necessary to put this country back on track?

In 2001, President Bush proposed very large tax cuts. I voted no on the floor of the Senate, and I said the reason I am voting no is that I don't think we should provide 10 years of very large tax cuts just because we had a surplus the last year of Bill Clinton's Presidency. We had a budget surplus—the first budget surplus we had in 30 years. They estimated that not only would we have a budget surplus that year, but we would have surpluses for the next 10 years.

I said: Let's be a little conservative. What if something happens? What if we don't have the surpluses?

They said: Don't worry about that; let's give large tax cuts—and the bulk of it, by the way, went to the wealthiest Americans. Without my vote, that passed. It did a lot of strange things.

Among the tax cuts was a cut in the estate tax that took the estate tax over these 9 years down, down, down, and down so that this year we have a zero estate tax. Think of that. The estate tax in this country this year is zero. We have about 400 billionaires in America. I believe four of them have died in this year. This is the ''Throw Mama From the Train'' year, as the title of the movie goes. This is the year when, if you have a lot of money and you are going to go, this is the year, I suppose, and those who are related to you might think there is divine providence here.

Let me put up this chart. In today's newspaper, it says George Steinbrenner, the colorful owner of the New York Yankees, died. I didn't know George Steinbrenner, but he was quite an extraordinary man, I am sure—a successful businessman and a controversial owner of the New York Yankees. But he was also a billionaire. Today, the Washington Post talks about the fact that this year the estate tax is at zero, so his estate will have no tax obligation at all.

Let me just observe that for the largest estates, most of the wealth comes from the appreciation of assets over the years and has never been taxed. So it has never had to bear a tax to send kids to school or build roads or provide for police or provide for our defense needs—none of it. We have had four billionaires die this year. And we have this goofy process, which the previous administration created, to go to a zero estate tax this year and then spring back to an estate tax next year. It is just nutty.

Do you want to know how to reduce the Federal budget deficit? How about fixing a few of these things. That ought to be on the to-do list. It is embarrassing, it seems to me, for those who

understand fiscal policy and understand there is a responsibility for all Americans not just to be glad they are Americans, but also to participate in the things Americans have to participate in together, that that includes paying some taxes, yes, and some estate taxes. It is embarrassing that we have a zero estate tax for the wealthiest Americans at this point. That makes no sense to me.

We have a proposed extension of the tax cuts for middle-income workers that comes from the 2001 tax bill that President Bush pushed through this Congress. One of my colleagues was on a show this Sunday and said: Well, we want to also give a tax cut to the top 2 percent of the American income earners. The moderator of the show said: That is going to cost 680-some billion dollars in lost revenue. How do you pay for that?

My colleague, who talks about the Federal budget deficits a lot and the need to deal with them, said: We don't have to pay for tax cuts.

It seems to me basic arithmetic books allow us to add 1 and 1 and get 2—from time to time, at least. So we are going to deal with the Federal budget deficits by extending income tax cuts to the wealthiest Americans? We are going to deal with the Federal budget deficits by having a zero estate tax obligation for somebody who dies and has a billion or billions of dollars?

What about the notion of going to war twice, in Iraq and Afghanistan, and not paying a penny for it? We have all of these gatherings to say goodbye—particularly in the National Guard—to a National Guard unit that will be sent to Iraq or Afghanistan. We say Godspeed and be safe. When they come home, we say welcome home. We do everything except pay the bill. We send them to war, have them strap on ceramic body armor in the morning, walk in harm's way and get shot at. But this Congress doesn't have the courage to decide that we ought to pay for wars we are fighting. All of it has been piled on the debt.

Some of us stood in this well and said let's pay for it, and we were told if we do that and try to pay for it, the President will veto it because we are trying to raise revenue. That is right, raising revenue to pay for the cost of sending America's men and women in uniform to fight for this country. It used to be essential, not optional. It was the moral and responsible thing to do. All of this has been charged and added to the debt. So the soldiers go fight and come home, and they will pay the bill as well. That makes no sense to me.

I have described at great length the tax avoidance going on in this country. I described that some of the highest income earners get to pay 15 percent carried interest. They get to pay some of the lowest tax rates, and that is not enough. Some of them are running them through tax haven countries and are playing deferred compensation games in order to avoid paying anything. They want all that America has to offer except responsibility to pay their taxes.

That is true with some very large American corporations as well. The company that was drilling out in the gulf—the licensed company drilling for BP—Transocean had, I believe, 1,200 employees in Houston, TX, and 12 employees in Switzerland. What was the deal there? Well, they moved their home office to Switzerland, despite the fact that they just had a dozen employees there and they had 1,200 in Houston. Why did they do that? To avoid paying taxes, I assume.

There is a to-do list. Maybe we can shut down some of these schemes. How about an estate tax for estates worth billions of dollars, or paying for the cost of war as our soldiers are asked to go fight it? Cutting spending—some come out here and talk about cutting spending. I support that—in the right way. We have a lot of areas where Federal agencies can tighten their belts. By the way, it is one thing to talk about it, it is another thing to do it.

Some years ago, when I came to the Congress, there was $46 million allocated to build a new Federal courthouse in Fargo, ND. I said I thought that was outrageous. Yes, it is in my State, but I thought it was outrageous. I cut it to $23 million—from $46 million to $23 million—in half—and the courthouse got built for $19 billion. That was in my State. I was critical of spending in my own State.

I have come to the floor recently critical of what is being proposed to be spent on the small northern border ports of entry, which I think is an excessive amount of money. Yes, those are in my State as well. I think we all ought to take a hard look at Federal spending and look at where we can and should begin to make some cuts.

Finally, when we talk about deficits—we talk a lot about budget deficits. But nobody talks much about the trade deficit. This morning there was a story: Trade deficit jumps to $42 billion, economists downgrade growth forecasts. I wrote a book about this several years ago. I described in that book, in great detail, what is happening: shipping jobs overseas, going in search of low-wage countries where they can move their production in order to produce and sell the product back in our country. All of that ratchets up this unbelievable deficit. We have had trade deficits in recent years, with $700 billion and $800 billion in merchandise trade deficits. The budget deficit is money that we are going to owe to ourselves. We cannot make that case with the trade deficit. We owe that to other countries, and we are going to repay that with a lower standard of living in our country someday.

This is not just about deficits, it is about jobs. When we run these kinds of deficits and see plants and factories closing in this country—5 million factory workers have lost their jobs because we see this unbelievable drain of jobs leaving our country in search of lower wages elsewhere. We have to address this, and we have to address it in the right way. I will talk about that at some point, on another day. It is not rocket science to understand that debt is debt and deficits are deficits. We have to address these issues.

Now, one other point on this economy. I was on a program the other day on CNBC. They said: What about this notion that because of what you are doing on promoting additional regulations on Wall Street and other issues, you are antibusiness—you Democrats in Congress and the Democratic administration are antibusiness?

I have heard a couple of CEOs say that. I said: You know, it is byzantine to me. If you want to run a big company in this country and do business here and look at something that is antibusiness, look at Wall Street and see what they did. See the cesspool of greed they created with a bubble of speculation that was unprecedented in the history of this country—selling and buying things that had no value, wagering rather than investing, using exotic instruments such as credit default swaps and much more, and planting loans out there for homeowners who could not repay them—giving a $780,000 home loan to somebody making $18,000 a year, creating liars loans, saying: Come and get a loan from us, and you don't have to disclose your income. It is called a no-doc loan. Come and get a loan from us, and you don't have to disclose your income or pay any principal the first year—or come and get a loan from us, but don't tell us your income, don't pay any principal the first year, or any interest, and we will make the first 12 payments for you.

Then what would they do, Countrywide mortgage? They would take these loans, pay big bonuses to the people who put the loans out there—the brokers—and wrap them into securities and sell the securities up to hedge funds, investment banks, and they were all making massive profits. Then we had others who would look at these securities and make credit default swaps—wagers on whether these bonds would be good.

What was going on in this country is unbelievable. The whole thing was a house of cards, and it came collapsing down. Now we decide we are going to put regulations in place to say: You cannot do that anymore. You damn near ruined this country's economy, and we won't let you do it anymore.

One of the top manufacturing CEOs in this country said it is antibusiness—the administration is antibusiness. It is not antibusiness to put into place effective, tough regulations to say: Do business the right way. If you do what you have been doing, we are going to put handcuffs on you because it almost ruined this country's economy.

It is not antibusiness to insist that business be done in the right way, when in the basement of the SEC four companies came in to get the SEC, in

the last decade, to change the rules so they could go from 12 times leverage to 30 times leverage, and they did it with almost no notice from everybody, with all these handshakes that go on.

When that goes on and regulators say: You know what. Don't worry. It is going to be a new business-friendly place. We won't look. Do what you want. We don't care—when that all happened and it caused the near collapse of the American economy and our way of life, we have a right, it seems to me, without being called antibusiness, to say there needs to be effective regulators and regulations to make sure this doesn't happen again.

Fifteen years ago, I wrote the lead story for the Washington Monthly magazine, and the title was ''Very Risky Business.'' That was the lead story in the Washington Monthly magazine that I wrote 16 years ago.

What was it about? It was about banks in America trading derivatives on their own proprietary accounts. I said then that we just as well put a blackjack table in their lobby. That is just gambling. We ought not allow it. We know who is going to pick up the bill—the American taxpayer.

It was 11 years ago on the floor of this Senate that I stood up and opposed repealing the laws from the Great Depression—Glass-Steagall and others—that were put in place to protect our country, that separated banking from securities and prohibited certain practices that led to the Great Depression. Then, all of a sudden, it is time to modernize; that is old-fashioned. The proposal to repeal those laws went through here like a hot knife through butter. Eight of us voted no—eight of us. I stood on the floor of the Senate and said: I think within a decade we are going to see massive taxpayer bailouts. I did not have a crystal ball; I just felt this was an unbelievable mistake.

The fact is, we have a right and a responsibility to put together effective regulatory mechanisms that will prevent this from happening again. I understand there are interests out there that will howl so loud, you will hear them coast to coast. It does not matter. This is about what is best for the American people, what is best for this country's economy to expand and create jobs once again.

The to-do list, as I indicated, is fairly lengthy. I have not touched a number of issues. The most important point, obviously, is to find a way to create new jobs.

As I indicated, it is like a bathtub where you have a faucet and a drain. The faucet is, we need to try to create conditions in which new jobs will be created. How do we do that? We give people confidence about the future. It is hard to have confidence when you take a look at the economic circumstances of this country right now. If people are confident, they do things that manifest that confidence and the economy expands. That is our responsibility to do.

Even as we try to provide more confidence, that means tackling tough issues that will give people a feeling that they can expect a better future, can make investments, can hire people. That is part of the faucet—to put new jobs into this economy. We also need to plug the drain. Every single day, we have jobs leaving for China and elsewhere in search of cheap labor. I have spoken about that many times as well. As I said, I have written a book about that.

We need to work on all of those issues, and jobs has to be issue No. 1. It is the most important issue. It makes everything else possible for the American people. Right now, as I speak, there are millions and millions of people who are out of work. Million Americans have lost their jobs just in the manufacturing area in the last 8 years. We are short somewhere perhaps in the neighborhood of 18 to 20 million jobs in this country. We have to get the engine moving again. We have to get opportunities to expand jobs all across this country. There is a lot to do to make that happen.

## TRAVEL TO CUBA

Mr. DORGAN. Madam President, while I am on the floor, I wish to make a point about another piece of public policy I have worked on for some while.

The House of Representatives last week passed legislation through the Agriculture Committee that would lift the travel ban that is now imposed on American citizens to Cuba. I have been to Cuba and have met with the Cuban Government, dissidents, people who have been in prison. It is 90 miles off our shore.

There is an embargo on Cuba and a travel ban to Cuba. This chart shows the ten U.S. Presidents under which this embargo has existed. As one can see, a fair number of Presidents have come and gone while this embargo and travel ban to Cuba has been in place.

The problem with it that I see is this: This embargo is and has always been Fidel Castro's biggest excuse.

Your cities are falling down, your economy is in trouble, things are awful in Cuba.

His response: Yes. That is because this 500-pound gorilla has had its fist around our neck with an embargo for 50 years. You try to run this country.

It is his biggest excuse.

Cuba is a Communist country. I have no interest in doing anything that is helpful to the government at all. I do have an interest in trying to help the Cuban people.

Deciding to tell the American people: We will restrict your right to travel; we are going to infringe on your freedom; our government says you cannot travel, American citizen, to Cuba—I think that is unbelievable. By what right does our government say you cannot travel to Cuba?

Let me show where Americans can travel. It is perfectly appropriate, if you can get a visa, to travel to Iran, according to the Office of Foreign Assets Control in the Treasury Department.

OFAC, by the way, in the basement, the deep bowels of the Treasury Department, are supposed to be tracking money to terrorists. But about a fourth of their resources are devoted to tracking American citizens who are suspected of vacationing in Cuba. Think of that. In a world beset by terrorist threats, we have folks who are trying to figure out: Are there American citizens who have gone to Cuba whom we can track down and against whom we can levy a $10,000 fine?

You can go to Iran, OFAC says. That is not a problem. You are an American citizen and you want to go to Iran, that is OK.

If you are an American citizen and you would like to see Kim Jong Il while he is still in office, you can go to North Korea. That is not a big deal for OFAC. If you want to go to Communist North Korea, no problem at all.

You want to go to China, a Communist country? Not a problem. You want to go to Vietnam, a Communist country? That is no problem. I have been to both, by the way. Why have we said that about Vietnam and China? Because we have a very specific policy with respect to that issue. We have said we believe that engagement through trade and travel is the most effective way to move both China and Vietnam toward greater human rights. Let me say that again. Our official policy—Republicans and Democrats—has been that we believe the most effective way to move China and Vietnam—Communist countries—toward greater human rights is through trade and travel through engagement. Engagement. The only outlier to that is Cuba, which is 90 miles off our shore. And Fidel Castro pokes his finger in our eye every chance he gets.

We decided some while ago—many Presidents ago, actually—to put together an embargo, which has not worked at all, which includes restricting the American people's right to travel. Then in 2003, leading up to the elections in 2004, President Bush made this even tighter. He eliminated people-to-people visits in 2003; eliminated secondary school education travel; restricted family travel to once every 3 years; restricted amateur athletic travel. Essentially, he tied it very tight. The upshot of that was, I guess they all felt good that they were going to tighten restrictions around Cuba and tell those Cuban Americans who felt that is the right thing to do that this was something the administration was going to do to be helpful to them.

Here is what the Office of Foreign Assets Control says about travel to Cuba. I just described that North Korea is fine and travel to Iran is fine, China and Vietnam are fine. They say:

> Unless otherwise authorized, any person subject to U.S. jurisdiction who engages in any travel-related transaction in Cuba violates the regulations.

Let me describe some of these notorious violators our government has tracked down and tried to levy a $10,000 fine against. This is Joni Scott. I have met Joni Scott. She is holding a Bible in this picture. The reason Joni Scott is holding a Bible is this young woman went to Havana to pass out free Bibles. An American woman went to Havana to pass out free Bibles. What happened to her? Did the Cuban Government get ahold of her somehow and give her a bad time? No, no. The American Government did. The American Government tracked her down and tried to levy a fine because she was suspected of traveling to Cuba. Isn't that something? It is unbelievable.

Here is another woman I have met. This is Joan Slote. She is a bicyclist. She is a grandma in her midseventies. She joined a Canadian group to bicycle in Cuba. Her government then tracked her down and not only tried to fine her $10,000 but tried to attach her Social Security payments and take them away—this from her government. It is unbelievable.

Then, finally, SGT Carlos Lazo, whom I have described before. He fled Cuba and then went to Iraq and fought for America and was awarded a Bronze Star. He then came back to America after having fought for his country. He had two sons in Cuba, one of whom was sick, and his government—the American Government—told this Bronze Star medal winner, a very courageous soldier coming back from the war, that he was not able to visit his sons. They restricted his right to travel.

Here is the point. The point is, the U.S. House of Representatives, through the Agriculture Committee, has now passed legislation that eliminates the restrictions, eliminates the things done by the previous administration to try to stop shipment of food to Cuba. I believe we have the votes in the Senate to move that position as well.

I actually offered the amendment about 10 years ago in the Senate that is now law that opened for the first time the ability to ship food and medicine for cash to Cuba. I just felt it was immoral. I think it is immoral to use food and medicine as a weapon, and that is what we are doing, including food and medicine as part of the embargo. I offered the amendment. It is now law. We shipped a couple billion dollars' worth of food to Cuba, all paid for in cash. But the previous administration decided to change the rules and required payment before shipment as opposed to payment when the goods transferred. That was an effort to try to shut down agricultural sales to Cuba. The House has changed that. We would do that as well. It is important to take this action. I was pleased last week when I read what the House of Representatives did. I think it is the right thing to do.

Here are pictures of who else believes we ought to lift the travel ban. Marcelo Rodriquez does. He is a political prisoner in Cuba. Yoani Sanchez does. She is one of the leading political bloggers in Cuba. Guillermo Farinas, who has staged several hunger strikes in Cuba, believes we should lift the travel ban. Oscar Chepe, a former political prisoner, and his wife Miriam Leiva, the founder of Ladies in White, believe we should lift the travel ban.

They are among 74 Cuban human rights activists who sent a letter to the House of Representatives saying they believe we ought to lift the travel ban.

I have visited with the folks in Cuba who are political dissents. They do not like their government. They are doing everything they can to get a new government, a better government. But they also believe this embargo and the travel ban does not serve their interest.

I believe that at some point, when it is appropriate, we will be able to do in the Senate what the House Agriculture Committee has done; that is, lift the travel ban and undo some of the detrimental things that were done as well in the tightening in 2003.

I and Senator ENZI, along with 38 other cosponsors—that is 40 Senators—have cosponsored legislation that would lift the travel ban to Cuba. I believe when we have the opportunity, Senator ENZI and I will offer that bill here on the floor, and I believe we will have the votes to pass it in the Senate.

Once again, it is unthinkable to me that we have decided we are going to try to punish the Cuban Government by restricting the rights of the American people. And we have done it for almost 50 years. By what authority, by what justification do we believe the Federal Government ought to tell the American people: You can travel wherever you want in this world. Go to Iran, go to North Korea, China, Vietnam. But you cannot go to Cuba. By what justification does the government have the right to restrict that right of the American people? The answer is, none, and it is long past the time we fix it. That is what I believe we will do in the Senate in the weeks ahead.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FAA REAUTHORIZATION

Mr. DORGAN. Madam President, in 2 minutes or so, let me talk briefly about the FAA reauthorization bill, which we have passed out of the Commerce Committee and out of the full Senate—it passed 93 to 0 here in the Senate. Senator ROCKEFELLER and I, Senator KAY BAILEY HUTCHISON and others, are working very hard to try to negotiate an opportunity to get a report that we can bring back to both the House and the Senate to get this done.

The reason this is urgent and so important is the modernization of our air traffic control system is long overdue and there is so much that is needed in this FAA reauthorization bill. It deals with safety issues. As chairman of the Aviation Subcommittee, I held a number of hearings on the Colgan crash in New York—the tragic crash that took the life of so many. So I wanted to make a point, because I know people are wondering what is happening on that legislation.

We had a meeting yesterday for over an hour. We are going to have another meeting this week. We had a meeting the week prior to the break last week. We are working very hard to try to find a way to bridge the gap. I think we are very close to being able to get something we can bring back to both the House and Senate. My hope is that early in this work period we can get this done. I talked to Senator ROCKEFELLER late last night by phone after our meeting in the afternoon. So Senator KYL and many others have been involved—Senator WARNER.

This is a very big piece of legislation. Changing our air traffic control system, modernizing our system from a ground-based radar system to a GPS system is a big, challenging project, but we have to get at it. This bill has languished way too long. We have reauthorized it many, many, many times. Now it is time to get the legislation done and get it signed by the President.

We are working very hard, and I hope in the next week or two Senator ROCKEFELLER and I and Senator HUTCHISON and others can come to the floor and report success and bring a bill to the Senate to vote on.

### KAGAN NOMINATION

Madam President, let me also finally say—I didn't mention it earlier—that the Kagan nomination is going to come to the floor during this work period, I am sure. I strongly support the Kagan nomination and intend to vote for her nomination. I think she is an awfully good nominee. I know many of my colleagues will be doing so as well. I fully expect her to pass the Senate quite easily. I would expect the nomination to be approved quite easily.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## IMPROPER PAYMENTS

Mr. CARPER. Mr. President, only this morning I was standing here and the Senator from New Mexico was presiding over the Senate. I got through half of my remarks and had to yield to

the Senator from Maryland. Now that no one is on the floor, I wish to take maybe 5 or 10 minutes and finish what I started this morning. I was talking earlier today about how to reduce the amount of overpayments—we call them improper payments—the Federal Government makes. Last year they added up to almost $100 billion, not counting the Department of Defense, not counting part of Medicare, not counting part of the Department of Homeland Security—a lot of money.

I also added that Federal agencies are doing, for the most part, a better job of estimating and identifying costly mistakes of improper payments. I think the White House deserves credit. Not only this President but his predecessor George W. Bush deserve credit for, not only in the case of George W. Bush, saying: We ought to have improper payments in the law and we ought to make this a priority, but also for President Obama and his team who are beginning to scour Federal programs for improper payments and also taking strong steps to try to eliminate them in the future.

White House Budget Director Peter Orszag noted that agencies employed stricter standards for identifying improper payments, resulting in much of last fall's reported improper payments increase. I remember maybe 5 years ago, when Senator COBURN and I were working on this issue, we found there was maybe $40 billion worth of improper payments being reported by Federal agencies. Last year it was about almost $100 billion. So it sounds as if we are going in the wrong direction.

As it turns out, what has actually happened is more agencies are reporting it. Initially, not very many agencies were reporting it, but as we have fuller reporting by all the agencies, we find we have a better idea of how big the problem is. It is not so much that it is getting worse, it is just that we are having better reporting from the agencies.

Now that we are having that, the key is to make sure the agencies that are making improper payments make fewer of them, and then that we go out and recover the moneys that have been improperly paid.

The White House announced this winter—earlier this year—an executive order to not only improve the collection of improper payments data, but to also improve our ability to avoid making improper payments, and to increase what I think is important, the use of recovery auditing. I say the words ''recovery auditing''—postaudit cost recovery. I think for most people, their eyes kind of blur over and they tune out. We are talking about $100 billion here, money that is going out, most of it improperly, a lot of it overpayments. We are talking about a country where our deficit is over $1 trillion. If we are going to have the ability to reduce our deficit, it is not going to come from any one silver bullet or any one particular approach. But this is an approach that can help.

I applaud the administration's concrete steps to improve transparency and make agencies and agency leadership more accountable.

Still, there is a lot more we can do, which is why our legislation currently on its way to the President's desk is so important in order to take the next steps, especially when it comes to actually going out and recovering the money we lose every year to avoidable errors and preventable fraud.

As I often say to my staff—they have heard me say this more times than they care to remember—if it is not perfect, make it better. Everything that I do, I know I can do better. That includes making sure we are making the appropriate payments to the right entity, for the right amount of money.

All of us in Congress share this responsibility to do that; that is, if it is not perfect, to make it better. We all share a responsibility to do that in curbing waste and fraud.

The legislation that I think the House is going to pass later today, and hopefully the President will sign later this month, is called the Improper Payments Elimination and Recovery Act. It is the result of a 6-year journey. During the last Congress, I introduced an earlier iteration of this bill with Senator CLAIRE MCCASKILL of Missouri. Over the last several years, I have chaired hearings on the issue of improper payments, waste, and fraud. Since then, we have worked with the Office of Management and Budget, the Congressional Budget Office, many other inspectors general, and many other experts to refine and strengthen our legislation.

The most recent version of that legislation was introduced last summer—about a year ago—along with Senator LIEBERMAN, who chairs our full committee, Senator COLLINS, the ranking member of the Homeland Security and Governmental Affairs Committee, Senator MCCAIN, and Senator MCCASKILL. It was approved by the Committee on Homeland Security and Governmental Affairs late last year and was approved by the full Senate in June of this year. A companion bill was also introduced in the House by Representative PATRICK MURPHY from Pennsylvania, our neighbor to the north.

This legislation, I believe, is a perfect example of bipartisan common sense and bicameral common sense. And actually when you consider Senator LIEBERMAN is an Independent, it is tripartisan—Democrat, Republican, and Independent.

I think the bill makes a number of key reforms. First of all, it improves transparency by lowering the threshold whereby agencies are supposed to report improper payments. This will better inform the public about where their taxpayer dollars are going, and it will help us in Congress find ways to fix the problems that lead to waste.

The second key reform in this legislation is it requires agencies to produce audited corrective action plans with targets to reduce waste. It is all well and good that we report improper payments or wasteful payments. The key is to stop doing it, to not just report it but to go after it and stop repeating the same mistakes.

A third reform is that this legislation increases the recovery of overpayments by requiring all agencies that spend more than $1 million a year to perform recovery audits on all their programs.

Finally, fourth and last, the legislation penalizes agencies that fail to comply with Federal financial management and accounting laws and would make sure that progress in eliminating improper payments is part of senior agency officials' performance evaluations. So you say to somebody who is like a leader or supervisor in these Federal agencies: Part of your evaluation is going to be whether you are doing a good job of stopping overpayments, going out and making sure you do not make more of them, and going out and collecting money that is being ''mispaid'' or overpaid.

I am particularly pleased with the provision in the bill requiring major agencies to make greater use of tools that many private sector business use to recover overpayments when they make them. When agencies have used these tools, they have had some success, some real success.

About 7 years ago, 2003, Congress mandated what was at the time described as a pilot Recovery Audit Contractor Program to examine Medicare fee-for-service payments. In other words, Congress said: OK, Medicare, when you are making these fee-for-service payments to doctors, hospitals, and nurses, we want you to do, in three States—California, Florida, and New York—we want you to look at those three States and see if we are overpaying money. If we are making mistakes in Medicare, go get it.

I think a year or so later, we added to the initial three States Massachusetts and South Carolina. During the first year of this demonstration program, about $50 million was recovered and returned to the Medicare trust fund. In the second year, about a quarter of a billion dollars was recovered, returned to the Medicare trust fund. I think if you add the total for the 3-year pilot program, which ended up in five States, they recovered about $1 billion. They recovered about $1 billion. It is real money.

One of the reasons why the Medicare trust fund is running out of money is because of fraud. Some people may have seen—I think it was on ''60 Minutes'' a year or so ago. Mr. President, ''60 Minutes'' did a special where they focused on a bunch of doctors' offices in some town in south Florida. The doctors' offices had three things in common: One, they had no patients; two, they had no doctors; three, they had no nurses. All they were were like a billing operation on Medicare, to defraud money from Medicare and take it from the Medicare trust fund.

Last year, we were looking at the Medicare trust fund running out of money in about 8 years. That is untenable. With the changes we have made in the health care reform legislation, I think we pretty much doubled that life to maybe closer to 15 or 20 years, but we still have a problem. With all the money that is defrauded from Medicare, we want to recover as much of it as we can and put it back into the program.

But in any event, the pilot program—which started in three States and expanded to five States—this year we are expanding it to all 50 States.

There is also a provision in the recently enacted health care law—it is called the Patient Protection and Affordable Care Act, it is the health care reform legislation adopted earlier this year—but there is a provision that says to the folks who run health care at the Department of Health and Human Services that they have to expand this program, this cost recovery program, to include Medicare Advantage, to include the Medicare prescription drug program, and also to include Medicaid. As money is recovered from fraud and overpayments and missed payments in Medicaid, that money will be split between the States and the Federal Government.

The sooner the full program is up and operating, the sooner we can recover even more money—I think probably billions of dollars—in additional overpayments.

There is an added benefit to an expansion of recovery auditing. The Recovery Audit Contracting pilot program has identified dozens of vulnerabilities in the Medicare payment system that can lead to additional waste and fraud.

According to the Centers for Medicare and Medicaid Services—that is the entity that oversees Medicare and Medicaid—the contractors hired to recoup overpayments identified ongoing vulnerabilities that could lead to future overpayments totaling about a third of a billion dollars more. So not only did the contractors recover about $1 billion in overpayments in the 3-year pilot program, they also identified additional problems in the systems they looked at, which, if we will address them, will reduce and avoid errors in the future.

Tomorrow—what is today, Wednesday?—tomorrow, Thursday—I think tomorrow afternoon—the Subcommittee on Federal Financial Management, which I am privileged to chair, will hold a hearing, and that hearing will examine the history and the opportunities for the Medicare Recovery Audit Contracting.

In conclusion, the Improper Payments Elimination and Recovery Act, which again, hopefully, the House will pass today—the Senate has already passed it; and hopefully the President will put his ''John Henry'' on it later this month—that legislation will allow us to make even greater strides in curbing waste and fraud in the work of Federal agencies during the years ahead. Given the size of the budget deficits we face, we need to do that.

Enactment of this legislation is not the last step, but it is an important step. I look forward to seeing this important legislation signed into law and to working with my colleagues and with the administration on its successful implementation.

A lot of times people say to us: Why don't you do something about waste, fraud, and abuse? They are convinced that a lot of their money ends up being misspent, improperly spent, overpaid in some case. The people, or entities, businesses, should not get any of this money. Somebody ought to do something about it. With the legislation that will be on its way to the President, hopefully tomorrow, we are going to do something about it. We already are doing some pretty good things about it. We are going to do more, and we need to build on that record.

Thank you very much, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

## WALL STREET REFORM

Mr. TESTER. Mr. President, I rise today in strong support of the Wall Street reform conference report. The Senate will make history when we pass this legislation that finally holds Wall Street accountable and finally cleans up the schemes and abuses that nearly brought our entire economy to its knees. Most importantly, this bill ends once and for all taxpayer-funded bailouts of Wall Street banks and investment firms. It finally gets rid of any notion that any private company can somehow be ''too big to fail.''

I never bought that argument. In fact, I was the only Democrat in the Senate to vote against both the bailout of Wall Street and the auto industry. I do not believe in bailouts. But I do believe in making sure folks are playing by the same rules.

Our economy went belly up a year and a half ago because there were no referees on the field. With this bill, that is about to change. Big banks will be required to pay for their own liquidation should they fail, and taxpayers will never again be a part of that equation.

The bill also streamlines the regulation of Wall Street, providing the referees the tools they need to get the job done fairly and effectively.

It also ensures that everyone will now be playing by the same rules, and that unregulated entities offering financial products have to live up to the same standards as the community banks and credit unions that serve States such as Montana.

The bill has tough new rules to prevent the spread of risky and dangerous products such as subprime mortgages that torpedoed our Nation's entire financial industry.

My focus over the last several months has been to make sure this bill is right for Montana and right for rural America. After some hard work, I think we did just that. This Wall Street reform bill is good for Montana's community banks, and it benefits small businesses.

Even in this era of bitter partisanship, the Senate unanimously passed an amendment I offered to make sure banks only pay their fair share for Federal deposit insurance. Right now, smaller community banks are paying for 30 percent of this insurance, even though they account for only 20 percent of all bank assets. That does not make sense, and this bill fixes that problem.

This conference report also includes a provision I drafted requiring the Consumer Financial Protection Bureau to consider the impact of all rules on community banks and credit unions and the rural customers they serve before any of those rules are made.

The legislation ensures that community banks will not be punished for the bad behavior of the mortgage brokers who offer risky mortgages. Those banks will be able to maintain the community-based regulators they currently have, and in the case of State chartered banks, the same lending limits they currently have.

Additionally, this bill ensures that community banks will be able to continue to provide the same mortgage products—including those specific to farmers and rural Americans—to their customers.

For small businesses, this legislation makes it easier for investors to help get new small businesses up and running while protecting investors from schemers. It exempts small public companies from costly additional compliance and regulation under Sarbanes-Oxley.

This bill is a win for Main Street. It holds Wall Street accountable and preserves the critical role community banks have in strengthening communities, creating jobs, and building small businesses. That is important because Montana families rely on their community banks to finance and grow their businesses and farms, help pay their bills, and put their kids through school.

This is a strong bill. It ends taxpayer-funded bailouts. It begins a new era of strong commonsense regulation to put the sideboards on our fast-moving financial industry, without taking away the fundamental tools it needs for healthy competition and growth, which strengthens this economy.

Let me be clear. Our work on this legislation does not end today. I will continue to remain vigilant to ensure this legislation is implemented and enforced in the way it was intended. We simply cannot afford to do nothing and let our financial industry go by the wayside ever again.

With that, I thank you, Mr. President.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## KAGAN NOMINATION

Mr. SESSIONS. Mr. President, the week before last, we had the hearing on Elena Kagan for her nomination to the U.S. Supreme Court, which is a tremendously serious and important position. Five members of the Supreme Court—not just nine but only five—can redefine the meaning of words in our Constitution and really alter, in many ways, the very structure of our government. We have seen activist judges that I think have tended in that direction, and it is dangerous and harmful because judges are given lifetime appointments. They are not accountable to the public. They are protected. Even their salaries are not reducible while they serve in office. So we have to know and believe they will be neutral, impartial, unbiased, and will render judgments based on the law and the facts and not on any preconceived commitments they may have had.

Ms. Kagan is now the Solicitor General of the United States. She has taken some sort of leave of absence in recent weeks since this nomination occurred, but she holds that title. The Department of Justice Solicitor General represents the U.S. Government in Federal court, usually before the Supreme Court, and in important cases before the courts of appeals and often is involved in setting legal policy for the United States and helping to advise on that. So it is important that the American people know, before she is confirmed—if she is confirmed—that she has not been involved in matters that would bias her and cause her not to be able to serve impartially under the law and under the Constitution of the United States. That is an important question.

The day before yesterday, I believe, the Wall Street Journal had an editorial entitled ''Kagan and ObamaCare'' in which it raised questions about the objectivity she might bring to the Court and whether she had been involved legally in the discussions or drafting the ideas concerning the development and promotion of the health care reform bill so massively affecting health care in America. It raised the question: Should she recuse herself if that comes up, if she has been involved in that? I think that is a very important question.

The seven Republican members of the Senate Judiciary Committee wrote yesterday and asked Ms. Kagan to give detailed explanations as to what extent she may have been involved in any discussions regarding the promotion or legality of the health care reform bill. I think we are entitled to that. It is an important matter.

I see my friend Dr. BARRASSO on the floor, who has been a great expert in our debates on health care reform. He has repeatedly explained how this legislation will impact health care throughout America. As a physician, he understands that, and he has been able to explain it to us in ways that any of us should be able to understand. In fact, he gave us some very serious warnings about the fact that the promises made for this legislation were not legitimate, weren't real, weren't accurate, and in study after study and report after report that has come out, Senator-Dr. BARRASSO has been proven correct. The warnings he gave us that it is not going to reduce costs and that other difficulties will arise have been proven true—too much, in fact—and it is a matter of real seriousness.

So I guess I wish to say that a judge should recuse himself or herself if their impartiality might reasonably be questioned on any matter that came before them.

I believe Dr. BARRASSO has raised previously his concern about what it really means if the U.S. Government tells an individual American citizen who is minding his own business that he has to have an insurance policy. I will recognize him at this point and ask him to at least share his thoughts on that important issue and why he believes having a fair judge on the Supreme Court is important.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Thank you very much, Mr. President.

I come to the floor today with my friend and colleague because I have just gotten back from a week of traveling all across the State of Wyoming, a beautiful State this time of year. People are out and at parades. I had a chance to visit at several senior centers. The question that continued to come up was, Can the government force me to buy health insurance?

A lot of people in Wyoming carry their copy of the Constitution with them. They carry it in their breast pocket. They carry it with them. It is in the pickup truck. It is with them all the time. They continue to look to the 10th amendment, which says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The people quote that. It just makes sense to the people of Wyoming that Washington should not be able to come into their communities, into our State, into their homes, and say: You must buy this product.

So when I see the number of States—20 now—that have filed suit against the Federal Government because of a new health care law, a law that I think is going to end up, if it is not repealed and replaced, being bad for patients, bad for payers, the taxpayers in the country and the people who pay their own health care bills as well, and bad for providers—it is a bill that I think is bad medicine, to the point that Senator TOM COBURN and I, the other physician—there are only two physicians who practice medicine in the U.S. Senate, and I have been taking care of people and their families in the State of Wyoming since 1983—we have come up with a report called ''Bad Medicine: A Checkup on the New Federal Health Care Law.''

There are people who say: I don't like this. Now we have a nominee to the Supreme Court who is very likely, if this works its way to the Supreme Court, to have an opportunity to make a ruling, a ruling for the people of the United States, on whether this body—this Senate, this House—has a right to tell the American people what product they must buy, whether it is health insurance, whether it is cars, whether it is the kind of cereal they eat for breakfast in the morning. The American people are very concerned.

So I come to the floor also with this editorial from Tuesday, July 13, this editorial entitled ''Kagan and ObamaCare,'' because the fundamental question is, Should this nominee recuse herself if she is, in fact, confirmed by this body? One might say: Well, when would someone recuse themselves from making a decision? Because, after all, she has been serving in this administration, serving this President, serving the President who has promoted such a piece of legislation that forces American citizens, forces the citizens of this country to buy a product.

The editorial says:

> Recusal arises as a matter of judicial ethics if as a government official she expressed an opinion on the merits of the health-care litigation. This is what she would have to render a judgment on were she to be confirmed for the High Court.

It goes on:

> It is also the question on which she is likely to have participated given her role at the Justice Department.

I would have to turn to my colleague who is the ranking member of the Judiciary Committee.

It says as well that:

> The Solicitor General is the third ranking official at Justice, its senior expert on Constitutional issues, so it's hard to believe she wouldn't have been asked at least in passing about a Constitutional challenge brought by so many states. The debate about the suit was well underway in the papers and on TV. The matter surely must have come up at Attorney General Eric Holder's senior staff meetings, which the Solicitor General typically attends.

The editorial goes on to say:

> We doubt Ms. Kagan would have stayed mum about the cases in internal Justice councils on grounds that Mr. Obama might later nominate her to the Court. At the time the Florida suit was filed on March 23, she was only one of several potential nominees whose names were being floated by the White House.

So here we have this, and that is when you get back to that opening

paragraph I read: ''Recusal arises as a matter of judicial ethics.''

So I say to my friend and colleague from Alabama, is this not a legitimate area of concern, especially in light of the fact that across this great country people are offended by this law? I just saw a poll that came out today. The popularity of this new law, which has never been very popular and which was forced down the throats of the American people, is now 7 percentage points less popular now than it was even 2 months ago. So something exceptionally unpopular is getting even more unpopular. By a ratio of 2 to 1, people think it is going to raise their costs and lessen their quality of care.

Mr. SESSIONS. Mr. President, let me ask the Senator, on that question, are the American people right or are the people who promoted this bill right? Are costs going up and is the quality of health care going down? What is the Senator's opinion?

Mr. BARRASSO. Mr. President, I spent Friday visiting with colleagues, friends, patients at the Wyoming Medical Center. Across the board, after talking to physicians, talking to patients, talking to others in the hospital as well as around the State of Wyoming, people believe it is going to be bad for patients, those waiting to get their care; bad for payers, the taxpayers of this country, the individuals who are paying for their insurance as well; and bad for providers, the nurses and the doctors whom I talked to. They have incredible concerns about what the impact is going to be on nurses and doctors when taking care of patients. The patients' concerns are, are they going to get the kind of care they want, the kind they are accustomed to, because no matter where I go in Wyoming, I hear people saying: This is a bill that wasn't passed to help me; it was passed and forced down our throats to help someone else, and they are going to make me buy a product that I might not want to buy, according to a number of criteria the government puts forward.

They may not want what the government says they have to buy, and then you get back to the Constitution. Does this government and does Congress have a right to tell the American people what they must purchase?

Mr. SESSIONS. This is a fundamental question. The Constitution gives the U.S. Government the right to regulate interstate commerce, that is true. The Supreme Court, at times, has taken a most minimal effect on interstate commerce and says the Federal Government can regulate it. But I am not aware of a circumstance in which an individual in Wyoming, or Alabama, minding their own business and not participating in an interstate commerce health insurance policy in any way, and the Federal Government waltzes in and says you must participate in this in interstate commerce—you are not participating in it and they require that you do participate in it.

If you believe—and there is only one view—that the Constitution is a government of limited power, it has only powers that are delegated to it—and they are enumerated powers—then have we crossed a divide here that we have not crossed before. That is why these lawsuits are being filed. They are very real. The one in Florida may be farther along than most of them; it is already out there. Ms. Kagan, at this very moment, sits as a Solicitor General of the United States—in title, if not fully acting—and was, I think, before this lawsuit was filed fully acting, and it impacts the Federal Government. The question we have asked that I think must be answered by her is exactly what kind of relationship and discussion she may have had concerning this legislation.

First, I ask Senator BARRASSO—and not being a lawyer can be a benefit in this body, but I assume from the tone of his comments that he is a little uneasy that this high official in the Obama administration—an administration that has committed the whole of its resources to the passing of this legislation—is now about to rise to the Court and would be asked to decide what could be a deciding issue of whether this health care bill stays law or is struck down. So without the niceties at this moment on recusal issues, does that make the Senator nervous?

Mr. BARRASSO. The whole health care law makes me nervous. I look at this and say that the underpinning of this law—the thing that holds it together—is the mandate on the American people that everyone buy insurance, that everyone has to have insurance at work or through Medicare or Medicaid, but if none of those work, you have to buy insurance. It is the government telling someone they have to buy it.

So I have great concerns when a government thinks it is so powerful, and this body thinks it is so powerful—more powerful than the American people. I reject that, and I want to make sure that, as it gets to the Supreme Court, there are people on the Court who side with the American people and, most importantly, with the Constitution—what to me the tenth amendment means—and the people of Wyoming, which is that the government cannot come into our homes and say you must do this—you must buy this product.

Mr. SESSIONS. Well, I think that is exactly correct. I will say that whether or not being a high official in this administration, which is so committed to passing this legislation, whether that in itself legally requires a person to recuse themselves on the Supreme Court from hearing such a case, I am not prepared to say at this moment, but it makes me uneasy.

I believe a judge who decides that question must be impartial and cannot be corrupted by friendship or empathy or bias in favor of the person who appointed them. That is important.

Secondly, I ask Senator BARRASSO, our question goes to a more specific situation that could mandate recusal, and that is whether the nominee has participated in any discussions, strategies, or making legal advice designed to promote this legislation. I think that would be a clear situation that would require recusal.

Also, specific questions could come up regarding to what extent have these lawsuits that have been filed affected her and has she expressed any opinions concerning the lawsuits.

Finally, I do not believe the President is entitled to launch onto the Supreme Court a political loyalist who will be a legal rubberstamp for anything that gets proposed, whether it is the takeover of AIG or of automobile companies or other things that may be decided. I think we need to be careful about this.

This nominee needs to answer those questions because what the Senator is hearing is what I hear.

Mr. BARRASSO. I ask my colleague this, as he participated in the hearings and the questioning. Apparently, Ms. Kagan says she will recuse herself from participating in a number of cases—I think 11—on which she represented the government in her current job as Solicitor General.

It seems that in a case such as this—the area that the President of the United States put all of his credibility and effort into forcing through this body and through the House and, in my opinion, jamming down the throats of the American people—if she is already going to recuse herself on 11 other issues, it seems to me that we should also get that sort of a commitment on this issue.

As the Senator has said—and he has practiced law—recusal arises as a matter of judicial ethics. Now we are talking about the ethics of the individual involved, and the decisions that person would then make based on the position to which they are nominated.

Mr. SESSIONS. I believe that is correct. The standard is, among other things, if your impartiality might reasonably be questioned—and many judges are very sensitive about this—if you own a bunch of stock and you have one share in a big company like GE, and a case involving GE comes before you, you are expected to recuse yourself, even though it is unlikely to have an impact on your finances. But it doesn't look good.

I think we are entitled to know how sensitive this nominee is going to be to the dangers of her impartiality being questioned, even if her actions are not such that clearly, as a matter of judicial ethics, mandates her recusal. I think we need to talk about that, and I feel like the American people that we meet with, who are concerned about governmental overreach, who wonder if we have lost all sense of the limited power of this government in Washington, I believe those people are entitled to have absolute confidence that

anybody confirmed to the Supreme Court will not sit on a case if they can't be impartial, or if their impartiality could even reasonably be questioned.

I thank the Senator for his leadership on the issue, and I am glad we had this colloquy. I hope we are going to get a complete answer from the nominee soon about any involvement she may have had explicitly, and then to perhaps also inquire further about to what extent she will be prepared to not participate if her impartiality can be questioned.

Mr. BARRASSO. If I can ask a final question. The final paragraph of this editorial that the Senator will introduce into the RECORD says:

As someone who hopes to influence the Court and the law for decades—

We are talking about an appointment that could last a lifetime, 30 or 40 years.

Ms. Kagan should not undermine public confidence in her fair-mindedness by sitting in judgment on such a controversial case that began when she was a senior government legal official.

It seems to me—and I ask the Senator at this time—where someone may be embarking on a long career on the Court, wanting to do the right thing and head in the right direction, that the best decision would be to recuse herself from this case as well, if she is confirmed, rather than get involved in it and potentially have an impact on her reputation for decades to come.

Mr. SESSIONS. I think that is correct. I appreciate the way the Wall Street Journal expressed that. I think that is a legitimate position. I hope the nominee will take very seriously those concerns and will respond promptly to the questions we have asked of her.

I ask unanimous consent that the Wall Street Journal editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 13, 2010]

KAGAN AND OBAMACARE

Elena Kagan breezed through her recent confirmation hearings, but there's some crucial unfinished business the Senate should insist on before voting on her nomination to the Supreme Court. To wit, she ought to recuse herself from participating as a Justice in the looming legal challenges to ObamaCare.

In response to Senate queries, Ms. Kagan has said she'll recuse herself from participating in 11 cases on which she represented the government in her current job as Solicitor General. The challenge to ObamaCare isn't one of them, though the cases brought by Florida and 20 other states were filed in March, well before President Obama announced her nomination on May 10.

Ms. Kagan was never asked directly at her hearings about her role as SG regarding the healthcare lawsuits. The closest anyone came was this question from Oklahoma Republican Tom Coburn: ''Was there at any time—and I'm not asking what you expressed or anything else—was there at any time you were asked in your present position to express an opinion on the merits of the health-care bill?''

Ms. Kagan: ''There was not.''

Regarding a potential recusal, that's not the right question. Ms. Kagan was unlikely to have been consulted on the merits of health-care policy, and even if she did express an opinion on policy this would not be grounds for recusal. The legal precedents on that are clear.

Recusal arises as a matter of judicial ethics if as a government official she expressed an opinion on the merits of the health-care litigation. This is what she would have to render a judgment on were she to be confirmed for the High Court. It is also the question on which she is likely to have participated given her role at the Justice Department.

The SG is the third ranking official at Justice, and its senior expert on Constitutional issues, so it's hard to believe she wouldn't have been asked at least in passing about a Constitutional challenge brought by so many states. The debate about the suit was well underway in the papers and on TV. The matter surely must have come up at Attorney General Eric Holder's senior staff meetings, which the SG typically attends.

We doubt Ms. Kagan would have stayed mum about the cases in internal Justice councils on grounds that Mr. Obama might later nominate her to the Court. At the time the Florida suit was filed on March 23, she was only one of several potential nominees whose names were being floated by the White House.

Under federal law (28 U.S.C., 455(b)(3)), judges who have served in government must recuse themselves when they have ''participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy.''

Though their public chance has passed, Senators can still submit written questions to Ms. Kagan for the record. We hope someone asks her directly whether the legal challenges to ObamaCare ever arose in her presence at Justice, whether she was ever asked her views, and what she said or wrote about the cases.

We also think there are grounds for recusal based on her response during her Senate hearings on the substance of the state legal challenge. The Florida case boils down to whether Congress can compel individuals to buy health insurance under the Commerce Clause. Ms. Kagan danced around the history of Commerce Clause jurisprudence, but in one response to Senator Coburn she did betray a bias for a very expansive reading of Congress's power.

The Commerce Clause has ''been interpreted to apply to regulation of any instruments or instrumentalities or channels of commerce,'' she said, ''but it's also been applied to anything that would substantially affect interstate commerce.'' Anything? This is the core question in the Florida case. If she already believes that the Commerce Clause justifies anything that substantially affects interstate commerce, then she has all but prejudged the individual mandate question.

A federal judge is required by law to recuse himself ''in any proceeding in which his impartiality might reasonably be questioned.'' This has been interpreted to mean that the mere public expression of a legal opinion isn't disqualifying. But this is no routine case.

Ms. Kagan would sit as Mr. Obama's nominee on the nation's highest Court on a case of momentous Constitutional importance. If there is any chance that the public will perceive her to have prejudged the case, or rubber-stamped the views of the President who appointed her, she will damage her own credibility as a Justice and that of the entire Court.

As someone who hopes to influence the Court and the law for decades, Ms. Kagan should not undermine public confidence in her fair-mindedness by sitting in judgment on such a controversial case that began when she was a senior government legal official.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FINANCIAL REGULATORY REFORM

Mrs. MURRAY. Mr. President, I have been fighting hard for a Wall Street reform bill that protects my State's families, holds Wall Street accountable, and includes a guarantee that American taxpayers will never again have to pay to bail out Wall Street or to clean up after big banks' messes. I am proud to say that, finally, after months of hard work, we are so close now to passing legislation that does exactly that.

This should not be a partisan issue. It should not be about right versus left or Republican versus Democrat. It should be about doing what is right for our families and small business owners in my State of Washington and across the country. It should be about who it is we choose to stand up for and who we think needs our support right now.

Some people have spent the last few months standing up for Wall Street and big banks, trying to water down this reform, and fighting against any changes that would prevent the big banks from going back to their ''bonus as usual'' mentality.

I have been proud to stand with so many others to fight against the Wall Street lobbyists and special interest groups and stand up for the families I represent in Washington—families who want us to pass strong reform that cannot be ignored or sidestepped in the future, who want us to end bailouts and make sure Wall Street is held accountable for cleaning up their own messes, and who want us to put into place strong consumer protections to make sure big banks can never again take advantage of our families, our students, or our seniors.

For most Americans, this debate is not complex; it is pretty simple. It is not about derivatives or credit default swaps; it is about fundamental fairness. It is about making sure that we have good commonsense rules that work for our families and our small business owners. It is about the person

who walks into a bank to sign up for a mortgage, or applies for a credit card, or starts planning their retirement. We want to make sure the rules are now on their side and not with the big banks on Wall Street.

For far too long the financial rules of the road have not favored the American people. Instead, they have favored big banks, credit card companies, and Wall Street. For too long, those people have abused the rules.

As we now approach this vote, I think it is important for all of us to be clear about who it is we are fighting for. I am fighting for people such as Devin Glaser, a school aide in Seattle, who told me that he had worked and saved his money and bought a condo before the recession began. He told me he put 20 percent down on a traditional mortgage and was making his payments. However, like a lot of people who found themselves underemployed as a result of this recession, Devin has been unable to find work for more than 25 hours a week. He told me he is now unable to pay his mortgage. He will be foreclosed on any day now.

I am also fighting for people such as Rob Hays, a Washington State student whose parents have put their retirement on hold and gone back to work in order to send him to school. A few short years ago, Rob's parents were in the process of selling their home and preparing to retire. But then the foreclosure crisis took hold and they could no longer find a buyer. As a result, they were forced to pay two mortgages with the money they had saved for Rob's school, and retirement was put on hold.

I am fighting for people such as Jude LaRene, a small business owner in Washington State, who told me that when the financial crisis hit, his line of credit was pulled. That forced him to lay off employees, go deep into debt on his personal credit card, and cut back on inventory—despite the fact that his toy stores were more popular than ever.

I am fighting for people such as Devon and Rob and Jude because they are the ones being forced to pay the price now for Wall Street's greed and irresponsibility.

Whether it was gambling with borrowed money from our pension funds, making bets they could not cover, or peddling mortgages to people they knew could never pay, Wall Street made reckless choices that have devastated a lot of working families.

In my home State of Washington, Wall Street's mistakes cost us over 150,000 jobs. They cost average families thousands of dollars in lost income.

They cost small businesses the access to credit they need to expand and hire and, in many cases, caused them to close.

They cost workers their retirement accounts they were counting on to carry them through their golden years and students the college savings that would help launch their college careers.

They cost homeowners the value of their most important financial asset as neighborhoods have been decimated by foreclosures.

They cost our schoolteachers and our police officers and all of our communities. And they cost our workers, such as Devon, our students, such as Rob, and our small business owners, such as Jude.

We owe it to people like them all across the country to reform this system that puts Wall Street before Main Street. We owe it to them to put their families back in control of their own finances. We owe it to them to make sure the rules that protect families sitting around the dinner table at night, balancing their checkbooks and finding ways to save for the future, not those sitting around the board room table finding ways to increase profits at the expense of hard-working Americans. To do that, we have to pass this strong Wall Street reform legislation.

It is important for families to understand what this bill does and what exactly opponents of this legislation are fighting against.

This bill contains explicit language guaranteeing that taxpayers will never again be responsible for bailing out Wall Street. It creates a brandnew Consumer Financial Protection Bureau that will protect our consumers from big bank ripoffs, end unfair fees, curb out-of-control credit card and mortgage rates, and be a new cop on the beat to safeguard consumers and protect their families.

It puts in place new restrictions for small businesses from unfair transaction fees that are imposed by credit card companies. It enforces limitations on excessive compensation for Wall Street executives. And it offers new tools to promote financial literacy and make sure our families have the knowledge to protect themselves and take personal responsibility for their finances.

I have heard so many stories from people across Washington State who have scrimped and saved and made the best with what they had but were devastated, through no fault of their own—people who played by the rules but who are now paying the price for those on Wall Street who did not. These are the people for whom we have to stand up, the people whose Main Street values I and so many others fight for every day.

With all of the new protections and reforms this bill contains for families and small businesses, one has to ask: Who are the opponents fighting for and who are they standing up to protect?

I grew up working at my dad's five-and-dime store on Main Street in Bothell, WA—actually on Main Street. Like a lot of people in the country, Main Street is where I got my values. I was taught by my dad that the product of your work was not just about the dollars in the till at the end of the day. I learned that a good transaction was one that was good for your business and good for your customer. I learned that strong customer service and lasting relationships often made your business much stronger; that personal responsibility meant owning up to your mistakes and making them right. I learned that one business relied on all the others on the same street.

I was taught that customers were not prey and businesses were not predators, and that an honest business was a successful one.

It is time for us to bring those Main Street values back to our financial system, to bring back an approach that puts Main Street and families over Wall Street and profits; that protects consumers, holds big banks accountable for their actions, and makes sure people such as Devon and Rob and Jude are never again forced to bear the burden for big banks' mistakes.

I urge my colleagues today to stand with us against the status quo and for this strong Wall Street reform bill that families and small businesses in Washington State and across the country desperately need.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to speak about the financial overregulation bill. The so-called financial reform bill before us is being sold to the American people as holding Wall Street accountable for the economic crisis that hurt every American family and business in every community across the Nation. We are told this bill will end ''too big to fail'' and prevent future bailouts.

Unfortunately, just as the stimulus bill was supposed to reduce unemployment and the health care bill was supposed to lower health costs and reduce the deficit, this bill, too, will do the opposite of what is advertised. It will not prevent future bailouts. It will create another huge Federal bureaucracy; and instead of punishing Wall Street, it will punish Main Street and the families who suffered—not caused—the financial meltdown.

This bill was meant to rein in Wall Street. Yet the biggest supporters are Goldman Sachs and Citigroup, and the biggest opponents are community banks and small businesses in every city and town and community in the Nation. I think that tells us all we need to know about this bill. I urge my colleagues to listen to the folks at home, the people who have to make a living who are going to be burdened by it.

I strongly oppose cloture on this bill. Yes, there have been improvements made, and I worked with my colleague, Senator DODD, to make sure we did not devastate the venture capital area. Unfortunately, that is coming in another bill. But despite some of the progress we have made, the provisions most harmful to taxpayers, families, and small businesses still remain.

As a matter of fact, new provisions have been airdropped into the conference report that are so problematic

that neither Chamber could agree to include them in either version. If we are truly committed to enacting real bipartisan reform, then the majority would never allow items that were never debated and voted on to be included in the bill.

I hope my Democratic colleagues will stand up for these principles about which they have talked so loudly and say no to this backroom practice of airdropping totally new concepts into the bill.

I wish to talk now about some of the most egregious provisions in the bill.

First, it is unbelievable and unacceptable that so many of my colleagues want to turn a blind eye to the government-sponsored enterprises, GSEs, that contributed to the financial meltdown by buying high-risk loans that banks made to people who could not afford them.

Everyone here knows what I am talking about. Despite this bill's 2,300 pages, it completely ignores the 900-pound gorilla in the room: the need to reform Fannie Mae and Freddie Mac, or the toxic twins as I not so fondly have to refer to them now.

The irresponsible actions by Fannie and Freddie turned the American dream into the American nightmare for too many families who have either had their homes foreclosed or who are hanging on by a thread.

The irresponsible actions, pushed by previous administrations on Fannie and Freddie, devastated neighborhoods and communities as property values diminished.

To add insult to injury, after Freddie and Fannie went belly up, it was the very Americans who suffered from their irresponsible actions who were left footing the bill.

As if that were not bad enough, unless we act now to reform the toxic twins, over the next 10 years Fannie and Freddie will cost the American taxpayers at least an additional $389 billion.

In the joy of the Christmas holiday last December, the administration took off the $400 billion limit on them. I have to ask: How much money do they think they can lose if $400 billion is not enough for them to lose?

What is in this bill to address this problem? Absolutely nothing. Zip. Zero.

Next, this bill lumps in the good guys with the bad guys and treats them all the same, particularly when it comes to derivatives.

Folks who are trying to manage and control costs are treated the same as folks who are spending and speculating in the market, making shady bets with money they did not have, making insurance bets on property they did not own.

This was described in the book, ''The Big Short,'' by Michael Lewis. These computer game derivatives, or insurance policies, were dreamed up by Wall Street geniuses, some who made billions, others who lost billions. The billions in losses almost destroyed our financial system and poisoned the world's financial system.

I have heard some folks say: Why do these bad practices mean something is going to happen to me? The way this bill is drafted, utility companies may not be able to lock in steady rates for their customers, leaving them instead at the whim of a volatile market. The utility companies will have to pay billions to Wall Street or Chicago to clear their normal long-term contracts and postcollateral with energy suppliers through clearinghouses run by big financial firms. That money will be immediately passed along to every consumer of power from that utility company. That is what utilities do—they pass it on to you and me as electricity or gas or other customers of theirs.

Mr. President, you and I and folks in every community across the country could pay higher costs every time we flip on the light switch or turn on the air conditioner or heat.

That means family farms may not be able to get long-term financing, forcing many to quit farming and prevent many from beginning to farm.

The Wall Street Journal today, in a front-page article headed ''Finance Overhaul Casts Long Shadow on the Plains'' tells how this bill will clobber folks in agricultural communities who have to have forward contracts. They never caused the problem, but it will tie up capital and make them pay tribute to big firms on Wall Street or Chicago. No wonder those big firms are for them. There is a lot of business for them, a lot of expense for the farmer, the commodity hauler trying to make a living.

I am stunned that any Senator in good conscience would vote for a bill that would increase costs for every American, especially at a time when working families are struggling to make ends meet. One thing is certain: This bill will enlarge government.

Today's Wall Street editorial opines that:

> Dodd-Frank, with its 2,300 pages, will unleash the biggest wave of new federal financial rulemaking in three generations. Whatever else this will do, it will not make lending cheaper or credit more readily available.

They go on to state that one law firm has estimated that the new law ''will require no fewer than 243 new formal rule-makings by 11 different agencies.''

What will be the effect? More lawyers, more bureaucracy, more taxpayer money, and more lawsuits.

Certainly, I cannot vote in good conscience for a bill that creates a massive new superbureaucracy with unprecedented authority to impose government mandates and micromanage any entity that extends credit.

We are not talking about the big guys—the Goldman Sachs and the AIGs. In the real world, we are talking about the community banks, small retailers, and even your dentist.

I talked with a lot of small businesses and listened to them. A lot of people were concerned this past week when I was home about what is going on in Washington. I was talking with a group in Maryville in northwest Missouri.

I said: The uncertainty is really a problem for small businesses.

One small businessman corrected me. He said: No, it's the certainty. We know what Washington has already done to the deficit, to the debt, to health care, what it is going to do to financial regulation, and what it is threatening to do to energy costs.

I asked everybody around the table: Should I have said ''certainty'' rather than ''uncertainty''?

They said: You certainly should.

Small businesses are not willing or able or even inclined to create jobs when this massive government rollout of spending, taxation, and regulation is coming down on them.

Let's not be naive. Any of the new costs as a result of new mandates and regulations, regardless of the entity on which they are imposed, will be passed down to the very people this bill claims to protect. Under the new, misnamed Consumer Financial Protection Bureau, or CFPB, the decisions on allocating credit will no longer be based on the safety and soundness requirement for healthy banks. Instead, by empowering this new superbureaucracy with unprecedented power, decisions on credit will be driven by the administration's political will and agenda. Politics will then decide how to allocate credit while operating outside the framework of safety and soundness, thus putting more risk back into the system when we were supposed to be taking risk out of the system.

This giant bill also contains a provision creating a new Office of Financial Research. You will get to know this one. It is given the authority to access personal financial information of any citizen in the United States. Well, I don't know about you, but I would prefer not to have a new bureaucracy rifling through my personal account information in an era of economic and electronic communications where fraud and identity theft run rampant. Ordinary Americans who did not cause the financial meltdown should not be punished and placed at risk because the government wishes to create this new, unnecessary office.

I could continue to list provision after provision, pointing out expansions of government and ill-intended policies that will create more uncertainty while failing to hit the objective of regulatory reform. However, this Chamber doesn't have the hours for my speech alone. I could say: Harsh letter to follow. If anybody wants to know, we will be happy to send them lots of chapters and lots of verses. But, much like the health care bill recently signed into law, I fear small businesses will soon learn of many more unintended consequences which have yet to be seen. Even the bill's sponsors admit that the bill's long reach will not be

fully known until it is in place. Remember when the leader on the other side of this building said: If you want to find out what is in the bill, you will have to pass it. Well, in this bill, if you want to find out what it is going to do, unfortunately, you are going to find out if you pass it. I don't want to have my fingerprints on what is going to happen to businesses, to communities, and to jobs in the United States if it passes.

To sum it up, if the goal is to enact real reform that ensures we never, ever have another financial crisis like the one we had 18 months ago, the bill falls woefully short of that goal. It is light on reform, heavy on overreach and unintended consequences. Overall, this bill is too large, too costly for consumers, and would kill job creation at a time when working Americans need to be left to do what they do best, and that is succeed.

There is no doubt we need to protect every American from ever again falling victim to Wall Street gone wild. But what we do not want—and why this debate is so important—is to punish Americans for a crisis they didn't cause. Unless we scrap this failed version and start over, the Democrats' bill will do just that, and the costs will be paid by Main Street.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from today's Wall Street Journal to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

THE UNCERTAINTY PRINCIPLE

So Republicans Scott Brown, Olympia Snowe and Susan Collins now say they'll provide the last crucial votes to get the Dodd-Frank financial reform through the Senate. Hmmm. Could this be Minority Leader Mitch McConnell's secret plan to take back the Senate, guaranteeing another year or two of regulatory and lending uncertainty and thus slower economic growth?

Probably not, but that still may be the practical effect. This week White House aides leaked to the press that President Obama may seek a review of regulations that are restraining business confidence and bank lending. Yet Dodd-Frank, with its 2,300 pages, will unleash the biggest wave of new federal financial rule-making in three generations. Whatever else this will do, it will not make lending cheaper or credit more readily available.

In a recent note to clients, the law firm of Davis Polk & Wardwell needed more than 150 pages merely to summarize the bureaucratic ecosystem created by Dodd-Frank. As the nearby table shows, the lawyers estimate that the law will require no fewer than 243 new formal rule-makings by 11 different federal agencies.

The SEC alone, whose regulatory failures did so much to contribute to the panic, will write 95 new rules. The new Bureau of Consumer Financial Protection will write 24, and the new Financial Stability Oversight Council will issue 56. These won't be one-page orders. The new rules will run into the hundreds if not thousands of pages in the Federal Register, laying out in detail what your neighborhood banker, hedge fund manager or derivatives trader can and cannot do.

As the Davis Polk wonks put it, "U.S. financial regulators will enter an intense period of rule-making over the next 6 to 18 months, and market participants will need to make strategic decisions in an environment of regulatory uncertainty." The lawyers needed 26 pages of flow charts merely to illustrate the timeline for implementing the new rules, the last of which will be phased in after a mere 12 years.

Because Congress abdicated its responsibility to set clear rules of the road, the lobbying will only grow more intense after the President signs Dodd-Frank. According to the attorneys, "The legislation is complicated and contains substantial ambiguities, many of which will not be resolved until regulations are adopted, and even then, many questions are likely to persist that will require consultation with the staffs of the various agencies involved."

In other words, the biggest financial players aren't being punished or reined in. The only certain result is that they are being summoned to a closer relationship with Washington in which the best lobbyists win, and smaller, younger firms almost always lose. New layers of regulation will deter lending at least in the near term, and they are sure to raise the cost of credit. Non-blue chip businesses will suffer the most as the financial industry tries to influence the writing of the rules while also figuring out how to make a buck in the new system.

The timing of Dodd-Frank could hardly be worse for the fragile recovery. A new survey by the Vistage consulting group of small and midsize company CEOs finds that "uncertainty" about the economy is by far the most significant business issue they face. Of the more than 1,600 CEOs surveyed, 87% said the federal government doesn't understand the challenges confronting American companies.

Believe it or not, Mr. Frank has already promised a follow-up bill to fix the mistakes Congress is making in this one. In a recent all-night rewrite session, he and Mr. Dodd made a particular mess of the derivatives provisions. They now say they didn't really mean to force billions of dollars in new collateral payments from industrial companies on existing contracts that present no systemic risk. But that's precisely what the regulators could demand under the current language, and the courts will ultimately decide when everyone sues after the new rules are issued.

Taxpayers might naturally ask why legislators don't simply draft a better bill now. But for Democrats the current and only priority is to pass something they can claim whacks the banks and which they can hail as another "achievement" to sell before the elections.

More remarkable is that a handful of Republicans are enabling this regulatory mess. Mr. Brown and Ms. Collins say they now favor Dodd-Frank because Congressional negotiators agreed to drop the bank tax. But lawmakers didn't drop the bank tax. They only altered the timing and manner of its collection. Instead of immediately assessing a tax on large financial companies to pay for future bailouts, the final version simply authorizes the bailouts to occur first. The money to pay for them will then be collected via a tax on the remaining firms.

Because this tax will be collected by the Federal Deposit Insurance Corporation, even opponents of the bill have viewed it as part of an insurance system. It isn't. Insurance is when you pay a premium and the insurance company agrees to replace your house if it burns down. A tax is when you pay the government and then the government decides which houses it wants to replace when there is a fire in the neighborhood.

Under Dodd-Frank, if Firm A pays to cover the cost of the last bailout, there's no guarantee that the FDIC will rescue its creditors if Firm A fails in the future. This is fundamentally different from traditional deposit insurance, which guarantees the same deal for every bank customer. Dodd-Frank allows the FDIC to discriminate among creditors at its discretion.

This transfer of wealth is a tax by any reasonable definition, borne by the customers, shareholders and employees of the companies ordered to pay it. Is this how Mr. Brown plans to reward the tea partiers who carried him to victory last winter in Massachusetts? Is this the key to a small business rebound in Maine?

A good definition of a bad law is one that its authors are rewriting even before they pass it. The only jobs Dodd-Frank will create are in Washington—and in law firms like Davis Polk.

Triumph of the Regulators—Estimate of new rule-makings under the Dodd-Frank financial reform by federal agency

| | |
|---|---|
| Bureau of Consumer Financial Protection | 24 |
| CFTC | 61 |
| Financial Stability Oversight Council | 56 |
| FDIC | 31 |
| Federal Reserve | 54 |
| FTC | 2 |
| OCC | 17 |
| Office of Financial Research | 4 |
| SEC | 95 |
| Treasury | 9 |
| Total* | 243 |

*The total eliminates double counting for joint rule-makings and this estimate only includes explicit rule-makings in the bill, and thus likely represents a significant underestimate.

Source: Davis Polk & Wardwell

Mr. BOND. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. I thank the Chair.

(The remarks of Mr. UDALL of New Mexico pertaining to the submission of S. Res. 581 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I rise to voice my support for the Dodd-Frank Wall Street Reform Act. As the

chairman of the Senate Agriculture Committee, I was fortunate to play a role in writing some of the most important reforms of this legislation, and that was the derivatives title. This historic legislation the Senate stands poised to approve will rein in the reckless Wall Street behavior that nearly destroyed our economy, hurting Arkansas small businesses and costing millions of Americans their jobs.

In 2008, our Nation's economy was on the brink of collapse. America was being held captive by a financial system that was so interconnected, so large, and so irresponsible that our economy and our way of life were about to be destroyed. I will never forget the sobering meetings at the Capitol with then-Treasury Secretary Hank Paulson and Federal Reserve Chairman Ben Bernanke, who informed us of the imminent collapse of the U.S. economy. Overnight, the United States of America—the most powerful economic power on the globe—had been brought to the brink of collapse.

Today, American families and small businesses are still managing the consequences of the reckless behavior that occurred on Wall Street and nearly led to our economic collapse. Congress has the duty to the people we represent and to future generations of Americans to ensure that this country's economic security is never again put in that kind of jeopardy. Failure to correct the mistakes of the past is simply unacceptable. That is why I am proud to say that today we stand poised to deliver the historic reform the American people deserve.

This legislation provides 100 percent transparency and accountability to our shattered financial markets and regulatory system. As chairman of the Senate Agriculture Committee, I was proud to help craft the bill's strong derivatives title. This legislation brings a $600 trillion unregulated derivatives market into the light of day, ending the days of Wall Street's backroom deals and putting this money back on Main Street where it belongs. In all of our communities across this Nation, these reforms will get banks back to the business of banking, protecting innocent depositors and ensuring taxpayers will never again have to foot the bill for risky Wall Street gambling.

After spending countless hours on this legislation and digging into the details of the derivatives world, I am here to reassure my colleagues and all Americans that this bill is strong, it is thoughtful, and it is groundbreaking reform that will fundamentally change our financial system for the better. We worked hard to ensure that it would.

It is important to reiterate that this reform is not regulation for regulation sake. It is surgical in its approach. We maintain an end-user exemption, promote restraints on the regulators, where necessary, and provisions that recognize we are competing in a global financial marketplace.

Over the next year, Congress will rely heavily on the regulators for their guidance and expertise as the rules and regulations are written for this legislation. As chairman of the Senate Agriculture Committee—one of the key committees of oversight—I pledge to be vigilant in this process and retain a watchful eye on those regulators. It is imperative that our vision of strong reform is implemented properly; that everyone should be doing their job—in the legislation we write, the regulations that need to be written to match that, and the oversight to ensure that balance continues. While the regulators must hold the financial system accountable for its actions, Congress must hold the regulators accountable, just as the voters hold us responsible for a lack of meaningful reform.

As the Senator from a rural State, I will also ensure that our community banks are able to continue to meet the lending needs of rural America and will not be subject to unintended consequences. Our community banks did not create this problem and should not have to shoulder the burden of paying for the solution.

America's consumers and businesses deserve strong reform that will ensure that the U.S. financial oversight system promotes and fosters the most honest, open, and reliable financial markets in the world. Our financial markets have long been the envy of the world. The time has come for our country to restore confidence to our shattered financial system. The time has come for us, the United States, to lead by example. We stand poised to deliver that reform today, and I look forward to final passage of this bill.

Finally, a bill of this complexity and importance requires perseverance and long hours, and the dedicated staff of the Senate deserves congratulations. I thank my colleagues, of course, Senator DODD and his staff, for their tremendous work. In particular, I would like to thank Ed Silverman, the Banking Committee staff director for his dedication to finishing this legislation. I would like to also thank Senator CHAMBLISS, my ranking member on the Senate Agriculture Committee, and his staff for their friendship and eyes and ears throughout this process; Senator REID and his staff, of course, for their leadership; and the administration and regulators for their extraordinary commitment to this reform bill; and certainly our House colleagues, Chairmen FRANK and PETERSON—particularly Chairman PETERSON of the House Agriculture Committee in particular, and their staffs, for their cooperation and leadership.

I also would like to thank my staff for their unbelievable hard work throughout this process. There were a lot of long nights, a lot of complicated issues, and a lot of dedication on their part to ensuring that what we produced was something that was good and solid for the future of this country, particularly Patrick McCarty, Cory Claussen, Brian Baenig, Julie Anna Potts, Matt Dunn, George Wilder, Courtney Rowe, and Robert Holifield on our Agriculture Committee staff, as well as Anna Taylor on my personal staff.

We have an enormous opportunity to do something that is going to move us forward, understanding that we never get things perfect but, more importantly, that we are willing to step to the plate and to do what we can to make our country strong again, to make our economy strong again, to bring confidence to consumers and investors in this Nation and globally in order to move ourselves forward—not just for ourselves but for future generations. I urge my colleagues to support this conference report, and I look forward to this legislation being signed into law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. (Mr. FRANKEN.) Without objection, it is so ordered.

Mr. CORKER. I wish to speak for a moment about the Dodd-Frank bill that we are going to vote on apparently tomorrow evening. I wanted to talk a little bit about politics, which is not my specialty, and then a little bit about the substance.

I know the Presiding Officer has been highly involved in this bill and made a positive contribution. I read recently comments made by our leader, the majority leader here, and the President, and actually the chairman of the Banking Committee regarding the fact that the reason the bill is the way it is is partisan politics, and basically insinuating that Republicans did not want to deal with a financial regulatory bill.

Nothing has disappointed me more than the fact that we have a bill that has basically ended up wrapping folks around the axle as they tried to get two or three votes on our side of the aisle to pass this bill. We had a tremendous opportunity to pass a bipartisan bill. We had a tremendous opportunity to pass a bill that would have shown the American people that we in this body have the ability to work together on big issues and solve problems. I think it is a shame we did not do that. I have to say, from my perspective—and I think I put as much time into this bill as anybody here in the Senate—it ended up being about partisan issues. There was an overreach on issues that had almost nothing to do—as a matter of fact, absolutely nothing to do—with this crisis, to advance some political agenda issues, and then, on the other hand, a total denial to deal with some of the core issues that

got us in this situation. So I am disappointed.

We talk a lot. We have had groups come in, and they talk us to about how they want to see bipartisanship. Then some of us on both sides of the aisle step out from time to time to do that. When it happens, and a lot of effort is expended, and the end product is not achieved, for a lot of forces that exist around here, the very people that you end up reaching out to criticize the fact that we ended up with a partisan bill.

Yet, at the end of the day, let's face it, one side has the majority, one side has the minority. In this particular bill, I do not think there was, at the end, a valid attempt to do that. So I am disappointed. We have issues in this country as they relate to our financial system that do need to be addressed. No doubt, any bill of this magnitude, 2,300 pages, has some good things in it. There are good provisions in this 2,300-page bill. In many ways we punted most of the work to regulators. They are going to spend the next 10 to 18 months making rules that leave a lot of instability in our financial system at a time when I think people want to have a degree of certainty.

I think the Presiding Officer today tried to actually focus on greater certainty in some areas, and I might have disagreed with some of those. But the fact is, I think part of our job here in legislating is to create a degree of clarity.

One of the shortcomings of this bill is that—I think the count keeps going. I have heard a count of 363 rulemakings. I have heard a group come out and say there are 500 rulemakings. In essence, what we did with this bill in many ways is say to the very regulators who had the power, candidly, to do most of what is in this bill anyway, they had that power within their purview, did not do it, and kind of what we said is: Look, we would like for you to make rules.

So K Street and government relations folks are going to make a lot of money over the next 12 to 18 months as they now lobby regulators to sort of figure out what the rules of the road are going to be. In the process, again, jobs in the country will be more stagnant.

The other piece of this is that this all started with this sort of political agenda: We are going to bash Wall Street. Now Republicans have come out and said, no, this is a Wall Street bailout. So we had Democrats going to bash Wall Street, and Republicans saying, this is a Wall Street bailout. Candidly, I do not know that it is either one. The fact is, I think most folks on Wall Street like this bill.

As a matter of fact, I am looking at hedge fund managers right now, reading the Financial Times, many of the folks who probably are involved in the riskiest businesses are now out forming new hedge funds. Now they are moving to a more unregulated area than they were already in. So it is pretty fascinating how we create bills and we do not address the core issues, and then we have lots of unintended consequences along the way, as we are seeing play out right now.

I am not supporting this bill, which I had hoped to cosponsor. I am not supporting this bill out of partisanship; I am not supporting this bill because it misses the mark. This is not the worst bill that has ever been created. I am not going to say that. It is not. We just did not do our work. I mean, basically what we have done is, as I mentioned, we left it to regulators. We did not deal with some core issues.

I offered an amendment to deal with underwriting. At the end of the day, regardless of everything that people talk about at hieroglyphic levels, we had a lot of loans in this country that were written to people who could not pay them back. We did not have underwriting standards. We still do not have underwriting standards.

At the end of the day, we had two entities. I am not one of those who said, these entities were the core reason for the problem. But the fact is, we had two enablers, Fannie and Freddie, that, let's face it, what they do is they allow people to write bad mortgages, pool them together, and then they insure or purchase those. They were enablers. We have not dealt with that.

I do not support this legislation, not because it is the worst bill in the world. It is not. As a matter of fact, we do not even know what the outcome of this legislation is. It is interesting, I read the papers and they talk about the fact that this is a historical piece of legislation. We have no idea whether this bill is historical. We will not know for a long time until the regulators decide what they are going to do with this bill, because basically the power is left to a huge number of bureaucrats which, by the way, we have created, which is going to be like a malaise over our financial community because we did not give a lot of clear direction. We left it to regulators. We created a bureaucracy.

One other note. I think the issue that in many ways divided us—I know people on the other side of the aisle knew this well, refused to address it, although at one point we got very close and almost had a deal—was this issue of the Consumer Protection Agency.

I am all for consumer protection. I think the concern that I had as an individual is we have created a new entity. It has no board. It is an amazing thing. It has no board. Because of the standards against which the way this organization is judged as it relates to its rulemaking, which is expansive across the entire financial industry, because of the standard against which you have to challenge, there is no veto ability.

This new organization has a budget anywhere from, I think, $600 million to $1 billion a year, and the only way the Presiding Officer or I will know what direction this organization is going to take is who leads it. This is an incredible place for us to be, for us as a Congress to be. I think it is an incredible place for the administration to be, where we are creating an entity, a consumer financial protection organization, that has incredible rule-writing abilities, that has no board, no real veto ability, and yet on its own, one person—I am not talking about a group of people, but one person is going to decide the nature of what this organization is going to engage in. I find that incredible.

For all I know, the fears that I have about it, the fears I have about this organization, may not be borne out—may not be borne out.

I think the Presiding Officer very well may support this concept. He will never know whether his hopes for this organization are borne out until we know who the person is and what their bent and flavor is.

I think that, again, as a body we had a responsibility to put a balance in place so that we knew what the direction of this organization was going to be over time. I find that to be incredibly irresponsible.

As we look at this bill, I think one of the gauges of what it does is, we have the folks on Wall Street who rhetorically my friends on the other side of the aisle wanted to bash, and, candidly, all of America in many ways is upset with Wall Street is loving this bill. They have got teams of compliance officers who have the ability to deal with regulations a consumer protection agency might put out, all these rulemakings. As a matter of fact, typically when we regulate like this, it is the big guys who benefit, and they get bigger.

But the community banks, the smaller banks in my State, and I think across this country, are the ones that are concerned. I know we are all concerned about the employment activity in our country. All of us want to see the economy improve.

At the end of the day, most Americans have to deal with these smaller institutions. Most Americans want to deal with these smaller institutions. They are people they go to church with, they go to Rotary Club, they see at the grocery store. These are the people they have relationships with. What we are doing in this legislation is we are increasing the cost of capital that is available to most Americans, and we are limiting the amount of that increased cost—that capital is going to cost more—we are decreasing the availability.

So we are decreasing the availability of capital in communities across our country, and we are increasing the cost of that. So I find that it is an amazing place where we are. We all care about employment, and yet we put in place policies that are counter to that employment. So, again, I am disappointed in the outcome of this bill.

I have appreciated working with many Members on both sides of the

aisle to come up with a balanced piece of legislation that will stand the test of time, a piece of legislation, by the way, that will actually deal with the core issues that created this financial crisis. This bill does not do that in every area. It does in some. I want to say that some of the derivatives—clearing houses, I think that is a good contribution. Again, I think we have got end users out across our country now who are panic stricken, farmers and others, who use derivatives in their daily lives. And now maybe—we do not know because regulators will decide down the road. We punted that. We said, we will let the regulators decide. So for a period of time, they are going to be concerned about whether they are able to put up their tractors and barns and other things as collateral against derivatives or be in a more risky position.

We have missed the mark. I realize that, ironically, after a year of work, 2,300 pages, hundreds and hundreds of rules that are getting ready to be generated by regulators. It is my understanding there is now already another bill coming to correct this bill. That is pretty amazing to me.

I wish to say that politics ends up overcoming substance, I have seen as bills come to the floor. We had an opportunity which we missed to try to get this bill right in a bipartisan way. In spite of the fact that I am disappointed I cannot support this legislation strictly on policy grounds, I do want to say that our staff and our office is going to continue to be engaged with others. I know there is going to be a lot of other activity as a result of this bill, some of the unintended consequences, some of the mistakes that have been made and some of the glaring omissions we did not deal with, things such as—it is hard for me to believe that we would not take the time to upgrade our Bankruptcy Code so that a large entity that fails goes through some of the same things the same entity in Minnesota might go through. It is amazing to me that we did not do that work. But we still have an opportunity.

I know the Presiding Officers have now changed. I know the Presiding Officer sitting here today is on the Judiciary Committee. I also know that over the course of the next year or two we will have the opportunity to work on that and try to develop something so that when a large, highly complex financial entity fails, there is actually a sort of standard they go through when they fail that people understand, and they understand the bankruptcy stats, they understand what their rights are going to be.

There is a lot of work left to be done. I am disappointed in where we are and what we are going to be voting on tomorrow night.

I cannot support it, but I do look forward to working with my colleagues on changes that will have to be made, on the unintended consequences this bill will create and, obviously, the many technical changes that will result because of the fact that we rushed our work.

This process began mostly about substance. A lot of people put a lot of time into trying to understand substance. I know the Presiding Officer focused on one particular issue and tried to offer some substance in that regard. At the end of the day, politics took over.

November is approaching. It would be nice in the eyes of some people to have a 60-, 61-vote bill. Some are said to like obstruction. I can tell my colleagues, nothing could be further from the truth, especially on this piece of legislation.

What I regret most is, I know this bill is going to have the unintended consequence of hurting Tennesseans, hurting people from Oregon and Minnesota and around the country. There is no question that with all that we have laid out in these 2,300 pages, there will be less credit available and the credit that is available will cost more money. What we really have done with this bill is hurt the average American.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise to address the Dodd-Frank financial reform bill and to share the reasons it makes a great deal of sense to restore the lane markers and traffic signals to our financial system—lane markers and traffic signals that were ripped away carelessly, thoughtlessly over the course of a decade and led to the economic house of cards that melted down last year, doing enormous damage to America's working families. There may be many in the financial world who feel pretty good about the most recent billion-dollar quarterly profits or million-dollar bonuses, but families in America's working world are not feeling so good. They are looking at their retirement savings being decimated. They look at the value of their house and realize it is worth less than it was 6 years ago. For many families, the amount they owe on the house is more than it is now worth. Families are looking at lost jobs and lost health care that went with those jobs. They are looking at an economy that struggling to recover, that is providing them few opportunities to get back on their feet.

The meltdown triggered by the economic house of cards built up over the last decade is enormous. It is not only the damage done to families, it is the damage done to the economy as a whole. We cannot talk to any room with owners of small businesses and not hear stories about frozen lending, about credit lines cut in half, about opportunities to expand a business, but, despite a regular banking relationship extended over a decade, that bank cannot now extend the loans that would enable them to seize that opportunity to create jobs. We still have massive disruption in our securities market that provides the credit that fuels not only home mortgages but many other parts of the economy.

This economic meltdown has been a huge factor in contributing to the national debt. In every possible way, the absence of responsible lane markers and traffic signals has wreaked havoc on the American family and the American economy. We are here now to set that straight, to restore those lane markers and traffic signals.

What really happened? It can be summed up in two words: irresponsible deregulation. Let's get into the details a bit further. Let's start with irresponsible deregulation that led to new predatory mortgage practices. One of those practices was liar loans, loans in which the loan officer was making up the numbers and putting them in because they knew they could turn around and sell that loan to Wall Street and have no responsibility for whether that family succeeded in making the payments.

Another predatory practice was steering payments—mortgage originators getting paid huge bonuses to sign people up for mortgages that had in the fine print hidden exploding interest rates, so the family could easily make the payments at 5 percent, but when that hidden language triggered 9 percent, there was no way the family was going to be able to make those loan payments. Since most of those were on a 2-year delay, we can think of it as a 2-year fuse, a ticking timebomb, a ticking mortgage timebomb that was going to go off and destroy that family's finances. Then the prepayment penalty that locked people into those loans. These retail mortgage practices resulted in irresponsible deregulation.

Then we had the securities that were made from those bad mortgages by financial firms, packaging those bad mortgages, putting a shiny wrapper on them, and then selling them with AAA ratings to financial institutions, to pension funds, to investment houses, tossing those mortgage securities hither and yon without full disclosure. When those mortgages that were in those packages went bad, those securities were going to go bad. That is what happened in 2008 and 2009. It melted down this economy.

Another piece was the irresponsible deregulation lifting leverage requirements on the largest investment houses. Bear Sterns in a single year went from 20-to-1 leverage to 40-to-1 leverage. That means they were going to make a lot more money when everything is going up, but it means the moment things turn down, they can't

cover their bets and they are going to go out of business.

Then we had credit default swaps. That is a fancy term for insurance on the success of a bond. That new insurance was issued by AIG without any collateral being set aside to cover the insurance—complete failure to deregulate this new product. Those insurance policies, those credit default policies created an interwoven web in which if one firm failed and couldn't pay off its responsibilities under the credit default swaps or insurance policies, then the firm that it owed was going to fail. It set up a web of potential collapse.

Those are the types of dramatic issues created through irresponsible deregulation that we must address in this body and that are addressed in the Dodd-Frank financial reform bill.

First, the bill ends those three predatory mortgage practices I spoke of. It ends liar loans. It creates underwriting standards. My colleague from Tennessee mentioned he would like to see underwriting standards in this bill. They actually are in the bill. That is a very important part of this legislation. This bill ends the steering payments, the bonuses paid to mortgage originators to basically guide people into tricky mortgages with hidden exploding interest rate clauses. This bill stops prepayment penalties that were used to lock families in. If you are in a mortgage and you have to pay several pounds of flesh to get out of that mortgage—and by that, I mean perhaps 10 percent of the value of your house—where is that 10 percent coming from? You can't do it, so you are locked in. You are chained to the steering wheel of a car going over a cliff. We have gotten rid of that practice.

The second main thing we have done is establish real-time consumer protection to end scams and tricks and traps in financial documents. There was a woman from Salem, OR, who wrote to me. She wanted to share her story, just one of the little pieces of malfeasance that had occurred. She had paid her credit card bill on a timely basis month after month, year after year. She was very surprised when she received a letter saying she had a late payment and owed a fee. So she called up the credit card company and said: How can this be? I always pay on time.

The person on the other end said: Yes, we received your payment, as you indicated. But your contract says we don't have to post your payment for 10 days, and so we didn't post your payment right away. We posted it at the end of that 10-day period. At the end of the 10-day period, your payment was late. So you owe us this fee. It is all in your contract.

She said: How can that be fair?

That is why we need a consumer protection agency for citizens across the country. Members know what I am talking about because virtually every one of us has opened up a statement and gone: Wait, how can that be fair? We did have the delegation of consumer protection responsibilities to the Fed, but the Fed had its monetary mission in the penthouse of their office building. They had safety and soundness on the upper floors, but they put consumer protection down in the basement. They ignored it. They didn't act on the responsibilities they had. So we put those responsibilities in an organization, a Consumer Financial Protection Bureau that has a single mission—not a third mission or a fourth mission, not a forgotten mission, not a mission we put in the basement, but a first mission—so that Americans can choose from responsible financial products, not ones that compete to see who can have the biggest scam, the biggest deception, the biggest trick or the biggest trap but instead can compete on the cost of the product and on the quality of the service.

The third thing this bill does is redirects banks to the mission of providing loans to families and small businesses. This is the core function of the banking world. What happened over the last few years is some of our banks said: It is a lot more fun to bet on high-risk investments than it is to make loans to families and businesses. But that is not the mission of the banks that have access to the Fed window for discounted funds from the Federal Reserve. That is not the mission of the banks that we insure their deposits. The function of those banks is to make sure there is liquidity in the hands of our businesses so they can thrive and so families can thrive. This bill redirects them to that mission.

Let me put it this way: High-risk investing is a little bit like high-speed car racing.

You know as you watch cars going around the race track they are going to push the boundaries, the limits of speed and traction, and they are going to do quite well. They are going to try to nudge ahead of the rest of the cars. But then, eventually, one is going to hit some rubber on the track or some oil or some gravel or get bumped by another car and the race car is going to crash.

When you go to the track, you pretty well know in advance you are going to see a car crash. That is the way it is with investment houses. They are competing with each other to find the best opportunities for the highest return, so we know they are going to crash—that some of them will—and we accept that. This is an important role in the formation, aggregation, allocation of capital. But we want them to crash on the race track, not to crash out on the streets of the city or the streets of the countryside. That is why this bill moves high-risk investing out of the banks that should be dedicated to the mission of providing loans to small businesses and families.

Another key thing this bill does is restore integrity in the formation of securities. Let me put it to you this way. Imagine that an electrician comes to your house because you are asking that electrician to wire up your basement. The electrician leaves, and you find out he or she took out a fire policy on your house. I think you might be a little worried about the quality of the wiring that was done in your basement.

Or consider this possibility: You buy a car and you find out the person who sold you the car took out a life insurance policy on you. Well, you do not like the idea, I do not like the idea, of the possibility that someone would sell a car that is defective so they can take out a life insurance policy and maybe cash in.

Yet that was what was happening with securities: companies taking bad loans, putting them in a shiny wrapper, selling them, and then taking out an insurance policy—a credit default swap—so when that security went bad they could cash in.

Well, we need to have a level of integrity in the formation of our securities or our bonds. This bill takes us in that direction. This bill puts the sale of swaps on organized markets. What are swaps? Again, they are insurance policies, based on interest rates; insurance policies, based on exchange rates; insurance policies, based on the success of securities.

You cannot sell insurance to the general public without setting aside reserves, but these swaps were sold without reserves. So this bill before us today says reserves are necessary so the bet can be covered if the event you are insuring should happen.

It also creates a market for them so the customer—that is normally a business that wants to hedge its interest rate risk or its exchange risk or its investments in securities, that wants to hedge and protect itself against the possibility that those will go down or change—they can get that at a much better price when they can do so through the power of a transparent, organized market.

So being able to hedge risk at a much cheaper price is a huge contribution to the formation and allocation of capital in our country.

Finally, this bill allows a systematic way to dismantle failing firms in the financial world so it minimizes systemic risk and so the industry itself picks up the cost of their failure, so we the taxpayers are not in a position of having to pick up that cost.

I know some of my colleagues on the other side have simply asserted the opposite to try to confuse the issue. Well, I think that is irresponsible because so much was done in this bill to make sure American taxpayers are never again on the hook for the failure of financial firms in our Nation. This is the type of responsible lane markers and traffic signals we need in our system.

Certainly every one of us here believes there are further strides that could be made. There are standards in this bill that I would like to have crisper. There are terms for which I know we will need fierce, vigilant regulation to make sure those terms are not expanded into loopholes.

This bill does not do as much as I would like to address the issue of perverse incentives in the system of rating securities, something the Presiding Officer was a huge advocate for, and put forward a terrific policy to address. We are going to have to keep working on that piece.

But in each of these areas I have described, this is a quantum improvement. I think colleagues on both sides of the aisle know that. So beware of efforts to confuse the debate trying to say what is north is south and what is east is west.

So these are the reasons—these core improvements to our financial system that enhance the ability to aggregate and allocate capital efficiently—why I am supporting this bill. I applaud the chairman of the Banking Committee, who steered this bill through enormous sets of obstacles. It is reported that Wall Street hired 1,000 extra lobbyists to try to torpedo the bill that is before us. That is a lot of obstacles to get through.

These are complex issues that required thoughtful analysis and had to be worked and reworked. So I applaud the chairman's work in taking us to this point where we are prepared to send this bill on to the President's desk.

I would like to particularly thank my colleague, Carl Levin, who teamed up to work with me on a proposal to take high-risk investing out of the bank holding companies and to improve the integrity of bonds. That was work that came straight out of the committee work he did in such a capable and timely fashion.

So with that, I conclude by saying we need a financial system that is not about quarterly profit margins on Wall Street, that is not about the size of bonuses on Wall Street but is about providing a foundation for business to thrive, for employment to be increased, for families to find work, and to build financial foundations for the success of those families over the next several decades. That is the type of financial foundation we need, and this bill certainly is a huge stride in accomplishing that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will not take long at this moment. I just want to compliment our colleague from Oregon—as well as other members of the committee—for his work on this historic piece of legislation. This was a long time in putting together a comprehensive, complicated piece of legislation dealing with financial reform. There are many people who deserve credit for the product of this legislation, not the least of which is Senator MERKLEY of Oregon, a new Member to this body but a very active and vibrant member of the Banking Committee who added substantially to the product that is now before us.

So I appreciate having the opportunity to hear his observations about the bill and look forward to further comments today and tomorrow by others on this product. At a later point today, we will go into greater length about the bill. But I would urge my colleagues to support this legislation. I am very grateful to all who have been involved—both Democrats and Republicans—in trying to make this as strong and as good a bill as we possibly could.

I have listened with some interest today to the comments of others about this legislation, with some amusement, I might add, in terms of observations about how we got to where we did. But, nonetheless, that is the nature of this institution, I suppose.

With that, I again thank Senator MERKLEY for his fine work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INVESTING IN AMERICA

Mr. VOINOVICH. Mr. President, I rise today to discuss the state of unemployment in our country and what we need to do to finally create sustainable jobs and grow our economy.

The unemployment rate currently stands at 9.5 percent nationally and in my State 10.7 percent. Clearly, something has to be done about this. It appears that the new Senator we are expecting from the State of West Virginia may be the deciding factor when we vote later this month to begin addressing this problem.

First, I think we need to understand that we need to instill certainty into the economy by providing relief to the segment of our fellow citizens who cannot find work. Because of the downturn in the economy, I have already voted multiple times to extend unemployment insurance from the standard 26 weeks to 99 weeks, amounting to tens of billions of dollars. But this emergency extension has now expired, leaving many without the benefits they need to stay afloat. So let's extend unemployment insurance once again. Resuming this emergency program through November 30 will cost about $33 billion, and I believe we should pay for at least half of it from the stimulus funds.

Just before the recess, I supported an unemployment insurance extension that was fully paid for, but my Democratic colleagues blocked that amendment offered by Senator JOHN THUNE, preferring instead to continually borrow money on the credit card of our children and grandchildren. Last year, we borrowed $1.4 trillion. That means we borrowed 41 cents of every dollar we spent last year. Over half of this debt is held by foreign investors. By the end of this year, our national debt will be a staggering $13.8 trillion. That is an almost $2 trillion increase in 1 year. As the book of Proverbs tells us in chapter 7, verse 22, ''The rich rule over the poor and the borrower is the servant of the lender.''

America must address its debt and stop borrowing money from countries such as China and others that don't have our best interests at heart. We just can't keep kicking the can down the road. Our national debt is one of the most important problems we face, and our failure to begin to address the fiscal crisis will damage our economy, our national security, and the kind of future we leave to our children and grandchildren.

Still, I know Ohioans are hurting, so I approached the majority leader and told him I would provide the vote he needed to extend unemployment insurance if the Democrats were willing to use some of the estimated $40 billion unspent stimulus money to help offset at least half of the stand-alone unemployment insurance extension. He rejected my offer but remained at the table on what I considered to be a fair and simple bill: Extend the unemployment benefits and pay for half of it.

So I say to my friends on the other side of the aisle, let's get it done. Let's extend UI benefits in a bipartisan manner and pay for at least half with stimulus funds. I am confident we could get 60 votes for that tomorrow.

Second, I know most people in America would rather have a job than collect unemployment insurance. They would rather have a job than collect unemployment insurance. But my concern is that not enough is being done by this administration—or by Congress, for that matter—to put people back to work or create an environment where businesses have enough confidence in the future to unleash a corporate, private sector stimulus.

I wish to quote from a current Newsweek article by Fareed Zakaria entitled ''Obama's CEO Problem. He needs business on his side now.''

I ask unanimous consent to have this article printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. VOINOVICH. He says the following:

> Actually, there is a second stimulus, one that could have a dramatic effect on the economy—even more so than government spending. And it won't add to the deficit.

He goes on:

> The Federal Reserve recently reported that America's 500 largest nonfinancial companies have accumulated an astonishing $1.8 trillion in cash on their balance sheets . . . and yet, most corporations are not spending this money on new plants, equipment, or workers. Were they to loosen their purse strings, hundreds of billions of dollars would start pouring into the economy. And these investments would likely have greater effect and staying power than any government stimulus.

He goes on to say:

The key to a sustainable recovery and robust economic growth is to get companies to start investing in America. So why are they reluctant, despite having mounds of cash lying around? [Mr. Zakaria] put this question to a series of business leaders . . . economic uncertainty was the primary cause of their caution . . . but in addition to economics, they kept talking about politics, about the uncertainty surrounding regulations and taxes.

The Business Roundtable, which has supported the Obama administration, has begun to complain about the myriad of new laws and regulations being cooked up in Washington.

He goes on to say:

One CEO said to me, ''Almost every agency we deal with has announced some expansion of its authority, which naturally makes me concerned about what is in store for the future.'' Another pointed out that between the new health care bill, finance reform, and possibly cap-and-trade, his company had lawyers working day and night trying to figure out the implications of these new regulations.

Finally, Mr. Zakaria concludes:

Obama now needs to outline a growth and competitiveness agenda that will seem compelling to the American business community. This might sound like psychology more than economics, and the populist left will surely scream that the last thing we need to do is pander to business. But in fact the first thing we need is for these people to start spending their money—soon. As a leading New York businessman, who had publicly supported Obama during the campaign, said to me, ''Their perception is our reality.''

John Meacham, the editor of Newsweek, recently put it this way. He said:

A populism that begins in the boardroom would really be change we could believe in.

So the administration and Congress should listen to these concerns, give the private sector the certainty it needs to plan and grow, and unleash a lasting stimulus that doesn't cost a dime.

I am reminded of my second inaugural speech as Governor in 1995. I made the following statement which I believe is still relevant today. I was elected Governor in 1990, and this was my second inaugural speech after being reelected:

We have tried to respond to a very clear message the voters sent in 1990 and reaffirmed in 1994. People are fed up with big government—fed up with government that presumed to know or sought to provide all the answers—and fed up with government that had forgotten its mission and lost touch with its customers.

They were telling those of us in government that we were no better than the people whose hard-earned dollars go into the tax basket. Ohioans were expecting us to work harder and smarter and do more with less, just as they were doing in their households, farms, factories, and offices.

And they were reminding us of how Lincoln defined good government. He said, ''The legitimate object of government is to do for a community of people, whatever they need to have done, but cannot do at all, or cannot do so well, for themselves, in their separate and individual capacities.''

That is what Lincoln had to say.

I still believe these words are relevant today. I think the government can serve the economic needs of the country by doing something I have talked about for a long time, which is by passing a surface transportation reauthorization bill this year, which is a legitimate objective for government. This is something people can't do individually or working with others. The government has to do this. With the U.S. economy struggling from the worst economic recession since the Great Depression, the immediate impact of this bill would be on jobs.

According to the American Association of State Highway and Transportation Officials, AASHTO, which represents the State departments of transportation, there are over $47 billion of highway projects ready to go, supporting 1.6 million jobs—again, $47 billion of highway projects ready to go that would create 1.6 million jobs. According to the American Road and Transportation Builders, ARTBA, the transportation construction industry supports the equivalent of 3,383,200 American jobs.

Just think about the massive impact this industry has on employment in the United States. It directly provides more—this is something that is really surprising to me—it directly provides more American jobs than the U.S. motor vehicle and parts manufacturers, plastics and rubber product manufacturers, beverage and tobacco product manufacturers, and petroleum and coal products manufacturers, among others. Our domestic transportation industry is the backbone of virtually all of the major industry sectors that comprise the U.S. economy—and the American jobs that they sustain. The infrastructure built, maintained, and managed by this industry is a vital part of our economy.

Unfortunately, the American transportation construction sector is currently in the worst condition since World War II, over 60 years ago. The unemployment rate in construction is over 20 percent—higher than any other industry and two times higher than the unemployment rate in the U.S. economy generally.

As a former member of the Laborers' International Local 310 in Cleveland, I am particularly sensitive to the unemployment among my brothers and sisters in the labor movement. Highway and transit construction accounts for about 75 percent of jobs for laborers in this country. The unions have underscored in meetings all over Ohio that they don't want unemployment. They don't want unemployment. They want jobs, and they can't understand why Congress is hellbent to push a climate bill that will put more of them out of work rather than the reauthorization of the surface transportation bill.

Why aren't we spending our time on the reauthorization of surface transportation? Why are we spending so much time on cap and trade?

I wish to share with my colleagues some stories everyday people on Main Street have to say.

Loree Soggs with the Cleveland Building and Construction Trades Council, which represents more than 17,000 union workers in northeast Ohio, said workers are not seeing much of a spike in jobs, and unemployment figures range from 20 percent in some trades to 40 percent in other trades, such as electricians.

In Cincinnati, OH, Matt Brennan, CEO of Loveland Excavating, Inc., says that his company's sales are down 53 percent, his workforce is down 55 percent, and workers' salaries are down 25 to 35 percent due to the lack of overtime. He has seen numerous projects abandoned due to lack of funding.

Banks are calling lines of credit for creditworthy contractors. There are no lending sources available. Many contractors are failing and closing their doors. That is happening all over. This is not just occurring in my State but, as I say, across the country.

Mr. Hammack, president of C.W. Matthews Contracting Co., one of the largest road construction companies in Georgia, said the ripple effect of the delay of a reauthorization bill has already reached firms like his. His company has already laid off 700 of its 2,000 employees since 2007 because of the recession. Now the delay in passage of the Transportation reauthorization bill and the dearth of State contracts mean he is planning to lay off as many as 200 more employees by the end of the year.

He said:

You can't proceed under business as normal when there's no clear direction out there. It's too dangerous to bet on the future and put your company in financial jeopardy.

He said that the administration's stimulus package, while a positive shot, hasn't provided long-term help for the heavy construction companies such as his.

The stimulus package, at least as it relates to Georgia, isn't putting the heavy equipment to work that moves dirt.

He said:

. . . It's not a sustainable cure for what ails the transportation industry.

Paul Campbell, executive vice president of Wheeler Machinery, a Caterpillar dealer in Salt Lake City, said that Utah's contract work has ground to a standstill as well.

There's a trickledown when you mess with infrastructure. It has a freezing effect on everything.

At his firm, this has meant 221 layoffs. He is considering laying off more of the 629 employees left.

Mr. Campbell said:

There's very little private money going into any kind of construction. You take the Federal contracts out of that and it gets a whole lot worse really quick.

We need a reauthorization of the transportation bill. States are facing the most difficult financial situation in 50 years. This year, in spite of the stimulus, 21 States have indicated that they would be forced to reduce spending in transportation.

The reauthorization is a ''three-fer.'' First, it is jobs, jobs, jobs. This bill will

give confidence and certainty to an industry that is struggling right now. Recently a contractor testified before the EPW Committee on how a long-term bill will provide certainty to the transportation industry. Here is what he said:

> Failure to pass a multiyear transportation bill creates significant market uncertainty. The uncertainty makes it difficult to hold onto valued employees. It makes it hard to convince subcontractors to work for us; it makes it hard to convince lenders to invest in us. When there is an inconsistent flow of Federal funding, State agencies hold up the release of projects that are ready to bid and construct.

Second, a reauthorization bill will be good for our competitive position in terms of our economy and infrastructure. Our Nation's transportation needs exceed current investment at all levels of government. According to the Department of Transportation, the average annual investment level needed to maintain the current condition and performance of our highway system is $105.6 billion, while the cost necessary to improve our highways and bridges would be another $174.6 billion. The bridges are in terrible shape. How many more Minneapolis I–35 bridges are lurking out there?

The last reauthorization bill, SAFETEA–LU, created the National Surface Transportation Policy and Revenue Study Commission to study our infrastructure needs. We called for the commission to give us the straight facts. The commission called for investments of at least $225 billion annually over the next 50 years at all levels of government to bring our existing transportation infrastructure to a good state of repair and to support our growing economy.

Third, a reauthorization bill will help our environment. Transportation contributes almost 30 percent to the greenhouse gas emissions we have in this country. This figure blows my mind. The average length of time that urban areas experience congested conditions amounts to 6.4 hours each day. Anyone who travels in Washington here understands what that is about. The vehicles caught in stop-and-go traffic emit far more emissions than they do without frequent acceleration and braking. In recent years, drivers have experienced over 4.2 billion hours of delay annually. Traffic congestion is also responsible for 9 billion gallons of wasted fuel each year. Wasted fuel and lost productivity due to traffic congestion costs the U.S. economy over $78 billion annually. Think about that. A reauthorization bill is needed to reduce congestion and consequently reduce greenhouse gas emissions.

A study recently prepared for the Federal Highway Administration found that bottlenecks on the Nation's highway system—caused by congested intersections, poor highway operations, inadequate capacity, and poor alignments—impose 243 million hours of delay on truck shipments with the direct costs of the delays totaling $7.8 billion per year. According to the American Trucking Association, truckload miles traveled nationwide were off 17 percent last year. The average miles per truck were down 20 percent. In other words, truck drivers are allowed to only work so many hours. They have X number of miles that they can go. Because of the congestion we have today, they are getting almost 20 percent less mileage covered. That is because of the congestion they encounter all over this country.

This is a great time to invest in infrastructure. We will get a better bang for our buck. Because of the economy today, the return on infrastructure investment is better than it has been in recent years. Over the years, we saw SAFETEA–LU money dwindle because of the high cost of oil. We also saw the high cost of steel. Because of the economy, project bids are coming in extremely low. In fact, in Ohio, bids have been up to 30 percent lower. So what a time to invest. We are going to get a return on our investment.

The gas tax. I want you to know that I am not talking about borrowing the money for the reauthorization of the surface transportation bill, as we do for everything else here. That is what the American people are very upset about—spending and borrowing the money. The American people, as I say, are fed up because they are concerned with the deficit and budgets not being balanced as far as the eye can see. We will not have to charge our kids' and grandkids' credit cards. We can pay for this by increasing the gas tax, which has not been increased since 1993. The fact is that Americans are willing to pay an increase in the gas tax to create jobs, improve our infrastructure, and better the climate. Many of my conservative colleagues do not consider the gas tax as a tax but a user fee. The SAFETEA–LU-created National Surface Transportation Infrastructure Financing Commission recommends that Congress enact a 10-cent increase in the Federal gasoline tax and a 15-cent increase in the Federal diesel tax to just maintain our infrastructure.

I remember when I was mayor and President Reagan was faced with a similar situation with the economy in 1982. We were facing record unemployment—about 10 percent. I remember that well. As I say, I was mayor of the city of Cleveland. We had 20 percent unemployment in Cleveland. During the lameduck session, the Reagan administration proposed a gas tax increase and, subsequently, Congress passed the Surface Transportation Assistance Act of 1982, which provided a 5-cent gas tax increase.

The American people think they are already paying increased gas taxes. In 2009, Building America's Future conducted a poll, which found that—that is Governor Ed Rendell of Pennsylvania—60 percent of Americans believe that the Federal gas tax has been increased every year. But as you know, the gas tax has not been indexed to inflation, so its purchasing power has declined by 33 percent since it was last increased in 1993.

I have been meeting with groups since March of last year. They desperately want a reauthorization bill and they are willing to pay an increase in the gas tax. Groups that in the past have never accepted such an increase—listen to this—the Chamber of Commerce, National Association of Manufacturers, American Trucking Association—Bill Graves, the head of the truckers—the International Union of Operating Engineers, Laborers' International Union, Association of General Contractors, National League of Cities, National Association of Counties, and the American Public Transit Association, to name a few. There are many more.

I ask unanimous consent to have printed in the RECORD a list of all the groups that support increasing the gas tax. It is an unbelievable group, including the League of American Bicyclists. People are willing to do this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> American Association of State Highway and Transportation Officials (AASHTO), American Road & Transportation Builders Association (ARTBA), American Public Transportation Association (APTA), Amalgamated Transit Union (ATU), America Bikes, American Concrete Pavement Association (ACPA), American Council of Engineering Companies (ACEC), American Highway Users Alliance, American Society of Civil Engineers (ASCE), American Traffic Safety Services Association (ATSSA), American Trucking Associations (ATA), Associated Equipment Distributors (AED), Associated General Contractors of America (AGC), Association for Commuter Transportation (ACT), Association of Equipment Manufacturers (AEM), Association of Metropolitan Planning Organizations (AMPO), International Union of Operating Engineers, Laborers' International Union of North America (LiUNA!), League of American Bicyclists, National Asphalt Pavement Association (NAPA), National Association of Counties (NACo), National Association of Development Organizations (NADO), National Ready Mixed Concrete Association (NRMCA), New Starts Working Group, Safe Routes to School National Partnership, Transportation Trades Department, AFL-CIO, United Brotherhood of Carpenters and Joiners of America.

Mr. VOINOVICH. This is what is exciting to me. Today, Senators BOXER, INHOFE, BAUCUS, and our staffs are working full time—and a lot of colleagues don't understand what is going on now—to get a bill done this year on a bipartisan basis. Two Democrats and two Republicans are working together. This is real stuff, OK, not something that the leader will have to deal with in his office in terms of climate change and other things that we have been talking about. The good news is that the House of Representatives has been working on reauthorization for 2½ years, and the House bill has been voted out of subcommittee. The bill is ready to be preconferenced as soon as we get our work done. Unfortunately—and here is the thing I am concerned

about—we are still waiting to hear from the White House on their priorities. I recently met with Secretary Ray LaHood, and he indicated that we will be hearing from the administration soon.

But the fact is the person we need to hear from is President Barack Obama. That is who we need to hear from. He is out on the stump talking about creating jobs. Here is an unbelievable opportunity—a way to create real jobs and not borrow the money from our kids and grandkids to pay for it. On occasion, the President has said he is opposed to any tax, including a gas tax, on the ''middle class.'' I point out that the Kerry-Lieberman bill, which he supports, includes an increase in the gas tax of between 20 and 60 cents higher per gallon. That doesn't make sense. He supports that but not 10 cents for highways? It should be noted that all the groups who want the reauthorization bill and are willing to pay for it with a gas tax, by the way, are up in arms about the Kerry-Lieberman bill, because they think it diverts funds from the highway trust fund.

They sent a letter to the President, saying this gas tax is to be used for transportation and transit in this country. We don't warrant its use in the Kerry-Lieberman bill to raise money for things that don't have anything to do with the concerns that we have.

Passing a surface transportation bill would put a large segment of the economy to bed. Think about it. For 5 years, that part of our economy will feel good about things. It will help States meet their infrastructure needs. It will reduce greenhouse gases and provide certainty and stability to keep it on the road to recovery.

Show me another bill that has bipartisan support from labor, manufacturing, business, truckers, and State and local groups. I doubt any other piece of legislation will get this kind of support before the election. Do you know what we need? We need a sorbet to bring people together. Let the American people know that we hear them. And do you know something? We can get something done on a bipartisan basis, believe it or not. This legislation will create real jobs for Americans. It will be paid for and will put a major part of the economy to rest without adding to an already staggering deficit. It will eliminate the uncertainty about the future that is plaguing our country so we can move forward to provide brighter prospects for our children and grandchildren.

I guess the most important guarantee is that the bill will give peace of mind to millions of workers in transportation and allied industries. They no longer will have to worry about unemployment compensation. They will have a job. They can pay their mortgage, buy a car, pay for their kids' education; and they can have the peace of mind that comes from having a job.

EXHIBIT 1

[From Newsweek, July 6, 2010]

OBAMA'S CEO PROBLEM

(By Fareed Zakaria)

The American economy is sputtering, and we are running out of options. Interest rates can't go any lower. Another burst of government spending—whether a good or bad idea—looks politically impossible. Is there anything that could protect us from the dangers of stagnation or a double dip? Actually, there is a second stimulus, one that could have a dramatic effect on the economy—even more so than government spending. And it won't add to the deficit.

The Federal Reserve recently reported that America's 500 largest nonfinancial companies have accumulated an astonishing $1.8 trillion of cash on their balance sheets. By any calculation (for example, as a percentage of assets), this is higher than it has been in almost half a century. And yet, most corporations are not spending this money on new plants, equipment, or workers. Were they to begin loosening their purse strings, hundreds of billions of dollars would start pouring through the economy. And these investments would likely have greater effect and staying power than a government stimulus.

Now, let me be clear. I think there is a strong case for a temporary and targeted government stimulus. Both people and companies are being very cautious about spending. Right now, government spending is what's keeping the economy afloat. Without a second stimulus, state and local governments will have to slash spending and raise taxes, which will produce a downward spiral of higher unemployment, slower growth, lower tax revenue, and a larger deficit. Joel Klein, the New York City schools chancellor, told me that when the stimulus money runs out at the end of this year, he will be forced to lay off 5,000 teachers. Multiply that example a thousand times to get a sense of what 2011 could look like.

But government spending can only be a bridge to private-sector investment. The key to a sustainable recovery and robust economic growth is to get companies to start investing in America. So why are they reluctant, despite having mounds of cash lying around? I put this question to a series of business leaders over the past few days. They were all expansive on the topic, and all wanted to stay off the record, for fear of offending people in Washington.

Economic uncertainty was the primary cause of their caution. ''We've just been through a tsunami, and that produces caution,'' one said to me. But in addition to economics, they kept talking about politics, about the uncertainty surrounding regulations and taxes. Some have even begun to speak out publicly. Jeffrey Immelt, the CEO of General Electric, complained last Friday that government was not in sync with entrepreneurs. The Business Roundtable, which had supported the Obama administration, has begun to complain about the myriad new laws and regulations being cooked up in Washington.

One CEO said to me, ''Almost every agency we deal with has announced some expansion of its authority, which naturally makes me concerned about what's in store for us for the future.'' Another pointed out that between the new health-care bill, financial reform, and possibly cap-and-trade, his company had lawyers working day and night trying to figure out the implications of all these new regulations. Lobbyists in Washington have been delighted by all this new activity. ''[Obama] exaggerates our power, but he increases demand for our services,'' the superlobbyist Tony Podesta told The New York Times.

Most of the business leaders I spoke to had voted for Barack Obama. They still admired him. Those who had met him thought he was unusually smart. But they all thought he was, at his core, anti business. When I would ask them for specifics, they pointed to the fact that Obama had no businessmen or women in his cabinet, that he rarely consulted with CEOs (except for photo ops), that he had almost no private-sector experience, that he'd made clear that he thought government and nonprofit work was superior to work in the private sector. It all added up to a profound sense of distrust.

Some of this is a product of chance. The economic crisis forced the government into expansions of its authority in dozens of areas, from finance to automobiles. But precisely because of these circumstances, Obama now needs to outline a growth and competitiveness agenda that will seem compelling to the American business community. This might sound like psychology more than economics, and the populist left will surely scream that the last thing we need to do is pander to business. But in fact the first thing we need is for these people to start spending their money—soon. As a leading New York businessman, who had publicly supported Obama during the campaign, said to me, ''Their perception is our reality.''

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Georgia is recognized.

## FINANCIAL REGULATORY REFORM

Mr. ISAKSON. Mr. President, I will be brief. I come to the floor this afternoon in anticipation of the vote tomorrow on the financial regulatory bill and to express the concerns I expressed before its passage on the floor originally, and my continuing concern today about its final form—and I understand it will pass with 60 votes.

Nobody has been more concerned about the economy and the financial markets and financial institutions of our country than I. In part, because of my lifetime in the residential real estate business, I have seen firsthand the sufferings in our mortgage industry, the foreclosures that have taken place, and what the subprime lending industry did in the U.S. economy.

Before we rush to a reregulation of financial institutions, I think we have to stop and reflect on some of the things we have already noted as Members of the Senate.

Senator CONRAD, a Democrat from North Dakota, and myself introduced legislation over a year ago called the Financial Markets Crisis Commission. We introduced it because we believed everything that had happened in late 2008 through March of 2009 that collapsed our markets on Wall Street, collapsed our securities, collapsed our mortgage-backed securities lending, and hurt our banks both community and national need to be investigated. We need to get to the root problem. We need to try to correct it.

This Senate passed the Conrad-Isakson amendment unanimously. The House passed it virtually unanimously. The Senate and the House funded it to the tune of $8 million. That commission is appointed and working today. It

has subpoena powers that it can issue, and it is issuing subpoenas. It is directed by statute to report back to us by December 31 of this year.

Here we find ourselves in the position of getting ready to pass a financial reregulation bill on the floor of the Senate tomorrow, in the middle of the year in July, knowing that we are not going to have until December of this year the forensic audit of our financial system done by the Financial Markets Crisis Commission which we unanimously funded and demanded. It is like a doctor doing surgery before he does a diagnosis. It does not make a lot of sense.

In particular, there is one part of the bill I want to focus on for a second that I think is rife for continuing problems without any regulatory oversight, and that is Freddie Mac and Fannie Mae.

I think everyone realizes that the purchase of mortgage-backed subprime securities by Freddie and Fannie created the depository whereby Wall Street went to raise the money to make subprime loans, knowing they could sell them to Freddie and Fannie. Once you create liquidity for those securities, you create a market, and those securities are going to be created to be funded or purchased by those entities.

That is exactly what happened over the 5 or 6 years preceding the beginning of the collapse in late 2007. Freddie and Fannie went from zero holdings in subprime loans to as much as 13 percent of their portfolio. This was not just because they decided to buy them, but it was in part because of a congressional directive for Freddie and Fannie to have a portion of their portfolio in what is known as affordable loans.

These affordable loans became subprime loans. They were securitized on Wall Street. The securities sold around the world, with the legitimacy of those securities based in part on the fact that U.S. Government-sponsored entities, Freddie Mac and Fannie Mae, were buying them, but also because Moody's and Standard & Poor's rated them AAA. Then all of a sudden we had a tremendous collapse of subprime securities that had devastating consequences not just for the United States but for the world.

Briefly, I want to tell a story to make that point. In August of 2008, I was in Kazakhstan with Leader REID and other Members of the Senate on a trip that later took us to Afghanistan and finally to Germany. When we arrived in Kazakhstan and landed at the airport, we went into the city in an ambassador's vehicle. As we went by, I saw this beautiful city in Asia, beautiful countryside, large buildings being built, beautiful flowers, obviously a country of great wealth. They do have most of the oil in the old Soviet Union, now the Russian Federation.

As we came into town, I kept noticing vacant, half-finished 20- and 30-story buildings with a chain-link fences around them and razor wire on the fences and a padlock on the doors.

We went to the Embassy and went to a briefing. When it was over, we were asked if there were any questions. I said: I have one. Is today a holiday?

The Ambassador's officer said: No, it is not a holiday. Why do you ask?

I said: We passed 15, 20 buildings half finished, cranes up, 20 to 30 stories, padlocks on the gates, razor wire on the fences, nobody working. What happened?

He said: U.S. mortgage-backed subprime securities.

I said: I beg your pardon.

He said: U.S. mortgage-backed subprime securities. He said: Just 3 weeks ago, Merrill Lynch in America wrote down their portfolio by 78 cents on the dollar. Therefore, the Bank of Kazakhstan, which had bought a number of these securities, wrote down their portfolio as well. They stopped funding construction loans. They stopped making mortgages.

Kazakhstan is 11½ time zones away from Washington, DC. The reverberations of the subprime security collapse affected not just the United States but the world. Today what is happening in Europe and other areas is, in part in our recession, was a consequence of what began by a mandate by Congress for Freddie Mac and Fannie Mae to purchase affordable mortgage-backed securities which became the subprime securities that collapsed the marketplace.

I tell that story and I make that statement to make my single important point on why this rush to judgment on the financial regulatory bill is wrong. It is wrong because it excludes Freddie Mac and Fannie Mae from any scrutiny or increased regulation. Let me repeat that. The two entities that created the market that bought the securities that fueled the funds for Wall Street to put them together and sell them—the two entities, Freddie Mac and Fannie Mae—are exempt from this financial reregulation bill in terms of scrutiny.

That just, to me, does not make any sense. I think when the Financial Markets Crisis Commission reports back to us at the end of this year, it will make it clear that it is a mistake to rush to judgment.

It is critical that we have all the players under scrutiny and all the players under regulation, not just trying to create a feel-good system where we reregulate those who are already regulated, saying we are doing something about the conditions in the market when, in fact, we are raising the cost of doing business, lowering the ability for banks and lending institutions to extend capital and, in fact, in some ways contributing to a contraction of the recession we experience today in America.

When I cast my ''no'' vote tomorrow on financial reregulation, it will not be because I don't think we need to do some things in the marketplace, but it will be because I think it is time we listen to the people we have charged to come back to us with a forensic audit and tell us what we should have done rather than take a rush to judgment in a precarious and difficult time in the current recession in the United States.

I am grateful for the time given to me. My vote tomorrow on the financial reregulation bill will be no. It is my hope that when the Financial Markets Crisis Commission comes back in December, we will find the right answers from that forensic audit to then make the right decisions for the financial markets of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

## TRIBUTE TO LIEUTENANT GENERAL FRANKLIN L. HAGENBECK

Mr. REED. Mr. President, next Monday, LTG Franklin Hagenbeck will retire from the U.S. Army after 39 years of service. He is a friend and a classmate from West Point, the class of 1971.

Buster Hagenbeck has distinguished himself as a soldier, as a scholar, as an individual of peerless leadership ability. He entered West Point with the class of 1971. He graduated and was commissioned an infantry officer. He served in a succession of assignments, culminating as the commander of the 10th Mountain Division in Afghanistan. There he fought the fight in Operation Enduring Freedom. He served with great distinction, great judgment, and great discernment of the situation. He certainly not only exemplified the courage and character of our troops, but he felt very deeply for their concern and welfare. That is the type of individual, that is the type of soldier he is.

After serving as the G–1 of the U.S. Army, he was designated the 57th Superintendent of the United States Military Academy. In the last several years, he has distinguished himself as a leader on not only issues of academic excellence but also, much more important, fulfilling the fundamental mission of the Military Academy to produce men and women committed to the motto of the academy: ''Duty, honor, country.'' Selfless service to the Nation. Buster Hagenbeck personifies that spirit.

Under his leadership, West Point has been recognized by Forbes magazine as the best liberal arts college in the country. Every year it has successful candidates for Rhodes Scholarships and Marshall Scholarships. It is ranked at the very top in terms of engineering schools in the United States. But the real hallmark of West Point, as it always has been and always must be, is the men and women they produce, the young lieutenants who are today serving in Iraq and serving in Afghanistan, serving with courage and distinction.

I think it is not only comforting for them to know but inspiring that their Superintendent led forces in Afghanistan before them, that he knows what

lies ahead of them, and that he has done everything in his capacity and power to ensure that they are ready to serve the Nation and lead the Army.

I have been privileged to be his friend, to know both him and his wife Judy, to be a beneficiary of their warm friendship and their kindness.

As he retires from the U.S. Army, ending the last class of 1971 graduates in active service to the Army and the Nation, I congratulate him and thank him.

## TRIBUTE TO BRIGADIER GENERAL PATRICK FINNEGAN

Mr. REED. Mr. President, I rise to pay tribute to an extraordinary officer and gentleman—my dear friend BG Patrick Finnegan.

Pat Finnegan and I go back a long way. We were classmates from the class of 1971 at West Point. We went to the Kennedy School of Government at Harvard University together. We went to the infantry officer basic course together, the airborne school. In fact, I was Lieutenant Finnegan's platoon leader.

Pat went on to serve first as an infantry officer and then as a military intelligence officer. He was so talented and so obviously marked for big things that he was selected by the Army to attend the University of Virginia Law School. There he demonstrated his great legal mind and talent by his remarkable success in the classroom. He was a member of the Law Review, and then went into the Judge Advocate General Corps. He served with distinction, never serving a Washington billet, but always with the troops in the field, overseas in Germany, but particularly with the Special Operations Command, those warriors who are the tip of the spear for our military forces.

Pat returned to West Point as a full colonel to become the head of the Department of Law. There he nurtured a generation of cadets. His success was such that he was the most obvious and the best choice to become the dean of the Military Academy, and he assumed those duties. For the last several years he has led the academic department at West Point with distinction.

West Point has been selected by Forbes magazine as the best undergraduate institution in the country. It has been recognized in terms of the scholarships awarded to its students and in terms of the excellence of its academic programs.

Pat contributed a lot more than just academic expertise. He and his wife Joan and their children and their grandchildren were a large part of the fabric of the West Point experience. They were there cheering on the cadets at their athletic events. They were there in the good times and the bad times of cadets. They were a source of inspiration and encouragement for class after class at West Point. Pat and Joan have left an indelible mark on the academy. They have done it with great learning and great character, and they have inspired all of us with their dedication to the Army, to the country, and a dedication to each other and to their children.

It is with a great deal of pride that I salute BG Patrick Finnegan on his retirement from the U.S. Army and salute him also upon his appointment as president of Longwood University. Longwood will never regret their choice of a distinguished soldier and a great gentleman as their new president.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

## PROTECTING GULF BIRD HABITAT

Ms. KLOBUCHAR. Mr. President, as you well know, it has been 3 months since the Deepwater Horizon oil rig exploded in a massive fireball, killing 11 workers and injuring 17 others. But the extent of this tragedy is still beyond comprehension for everyone in this country. Since then, as we all know, as much as 50,000 barrels of oil per day has flowed into the Gulf of Mexico. At that rate, the Exxon Valdez disaster in Alaska has been duplicated every 4 days. I don't think that when this started, anyone thought that was possible.

There are many resources down there, as we know. It was slow going at first, but now we see more than 6,800 vessels, 117 aircraft, 3 million feet of boom, and more than 45,000 personnel.

In May, I went on an aerial tour of the spill while I was in New Orleans. I saw firsthand the miles and miles of oil slick covering the gulf, threatening the livelihoods of millions of people in the gulf coast as well as some of our Nation's most precious wildlife.

Our priorities are clear. First, we have to plug this well. We know there are some efforts underway as we speak, as well as a long-term plan of pushing some cement in there, that we know may not be completed until mid-August.

The second is that BP and others responsible must pay so that the taxpayers of our State of Minnesota as well as States across the country are not on the hook. The $20 billion the President and others negotiated with BP was a very strong start because, as we know, what happened with the Exxon Valdez—20 years later, a lot of those families still had not gotten their money. Mr. President, 8,000 of the plaintiffs and fishermen died before they got their money in that case.

Third, we need to figure out what happened so this never happens again.

Fourth, we need to reform the agencies that were supposed to be the watchdogs but turned out to be the lapdogs and redouble our efforts to diversify the energy supply.

I have focused on addressing this disaster because I believe we owe it to the taxpayers and because this disaster has devastated the resources that belong to all Americans. Now, as we face the worst environmental disaster in our Nation's history, we cannot lose sight of a piece of it that I don't think has gotten enough attention. Why? Because we have not even seen it play out yet. We have seen that wildlife down there right now. We have seen the pelicans drenched with oil hobbling on the beaches. We have seen all that. But what we have not seen yet—and we have no idea of the extent of the problem yet—is what is going to happen to the 13 million migratory birds, waterfowl coming from Minnesota, coming from Wisconsin, that winter in the gulf coast in those marshes.

At first, no one, understandably, focused on the unsettling proposition that millions of birds that winter in the gulf every fall and winter will be faced with toxic shorelines and toxic marshes, but as the oil laps up on the shore, we have to face this unacceptable but real problem right now.

As you know, in our State we know summer has arrived when we hear the loon calls from our 10,000 lakes. Minnesota is home to half a million ducks and the largest population of loons in the continental United States. Hunting and wildlife watching is part of our heritage, but it is also an important part of our economy. Waterfowl hunting contributes almost $50 million in economic activity in Minnesota every year, and Minnesota has the third highest birding participation rate of all States, at 33 percent or 1.5 million people.

The U.S. Fish and Wildlife Service is heading up the Natural Resource Damage Assessment and Restoration Program, which will come up with an estimate of restoration costs that will be sent to BP for them to pay to help clean up the shorelines, the estuaries, and the marshes. Additionally, the new escrow account that has been created will help ensure that the claims process for individuals and businesses runs smoothly and efficiently, and it will also help ensure that claims by government—State, local, and tribal—that are submitted to BP will not be delayed by a slow claims process.

But, while the Unified National Incident Command is doing all it can to stop the leak, it is important that we simultaneously do all we can to protect the habitat of the birds and the ducks in the gulf that support our hunting and birding economy in this country.

In just a few weeks, millions of birds will begin to migrate south from Canada, from the Great Plains and parts of the Midwest. They will fly hundreds or even thousands of miles to the gulf coast, where they spend their winters.

Remember, all we have seen so far is just the birds that live down there in the heat. Think of when all the birds go down there. This is what they are going to find. They are going to find that beaches that used to have beach balls are now filled with tar balls. So many of them go to the marshes and the wetlands, and the oil is starting to creep into those marshes. We cannot really put up a sign for those birds that says: Hey, go to Mexico instead. There are naturally other places they could go, but, guess what. They can't read. Nor are we going to be able to put some big net up to stop them from flying to those places. I talked to people, experts on this, from Ducks Unlimited and other places. These birds do not have the instinct to avoid those oily areas. They are going to just plow back in where they went last winter. That is why a bipartisan group of Senators joined me in sending a letter to Secretary Salazar to ensure that proper attention and coordination is also made with U.S. Fish and Wildlife and conservation organizations that are working to protect the habitat of migratory birds.

I am pleased that just this week, the National Incident Command announced the launch of a new Web site, restorethegulf.gov, dedicated to providing the American people with clear and accessible information and resources related to the BP oilspill response and recovery.

It is also important that as we focus on stopping this terrible leak, we also prepare for the serious and imminent threats to the birds and wildlife that play a critical role in the regional gulf economies and to the more distant regional economies in places such as Minnesota and Wisconsin.

In just a few weeks, we must be ready for the mass influx of ducks and birds in the gulf region. If we fail to prepare, countless unsuspecting birds, wildlife, will not return to Minnesota and our ecosystems and economies will feel the impact, not just in Minnesota but throughout the country; not just in Louisiana, not just in Florida. It will spread. We will continue to push, with the recovery efforts, to make sure there is adequate focus on this important issue.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

## FINANCIAL REGULATORY REFORM

Mr. DODD. Mr. President, I want to spend a couple of minutes, a few minutes this evening, if I can, talking about the Wall Street reform, the financial reform bill. I want to begin by thanking the Presiding Officer who, while not a member of the committee, played a very active role during the consideration of the legislation on the floor of this body a number of weeks ago.

There will be a debate again, I know, tomorrow before we actually vote on final passage of the bill. A lot of this I will talk about this evening I have discussed in the past over many weeks and months that have brought us to this particular moment, where within the next 24 hours we will make a final decision as to whether this body is prepared to endorse the efforts to reform our financial system in this country so that we never ever again subject the American people to what they were subjected to in the fall of 2008 where the Congress of the United States, along with President Bush, asked the American taxpayer to write a check for $700 billion to bail out financial institutions which, through their own misfeasance and malfeasance, as well as those of regulators who failed to act, put this country and in fact the globe at financial risk.

I shall never forget as long as I live the meeting in mid-September in the offices of Speaker NANCY PELOSI, along with Democrats and Republicans, and their respective committees in Congress, where the Chairman of the Federal Reserve Board and the Secretary of the Treasury under President Bush announced to all of us that if we did not act within a matter of days, and I am literally quoting the Federal Reserve Chairman and the Secretary of the Treasury, that if we did not act within several days, the entire financial system of this country and maybe a good part of the world would melt down, were their words.

So we acted over the next several weeks. There are a number of Members here who were deeply involved in that effort. The country reacted with great outrage over how we had ever gotten to that position and what steps we were going to take to see to it that we would never ever again subject our Nation not only to the cost of bailing out these firms but also the cost that has ensued as a result of the financial collapse to jobs and homes, retirement accounts, ability of families to educate their children, all of the effects that have been visited upon the American people and many others as a result of events that began to transpire years ago, culminating in the difficulties we saw in the fall of 2008.

Before I begin any remarks about the bill itself and what we have tried to achieve, I want to begin by thanking my colleague from Arkansas, Senator BLANCHE LINCOLN, who chairs the Agriculture Committee. She shared a responsibility with me in this bill, and while the bulk of the titles came out of the Banking Committee bill, a very critical piece of this legislation involved the participation of the Agriculture Committee. She and SAXBY CHAMBLISS, my colleague from Georgia, along with their colleagues on the committee, worked very hard and I thank them and their staffs for the work they have produced in order to make this a stronger and a better bill.

I want to thank my House counterpart, BARNEY FRANK of Massachusetts, who chairs the Financial Services Committee of the other body. He, along with Chairman PETERSON of the Agriculture Committee, did a very good job in pulling together the House version of this bill. They actually completed their work back in December of last year. The House moved more quickly for all of the reasons that Members are aware of, the rules of the institution and others that facilitate the rights of the majority to basically move along through the underbrush without the nuances that the Senate provides for in terms of the consideration of legislation.

I sat, along with my Senate colleagues from the Banking Committee and the Ag Committee, for 2 long weeks, almost 70 hours in a conference committee. For those who wonder what a conference committee is, very simply it is when the Senate acts on a bill and the House acts on a bill, and you need to resolve the differences between the two, we meet in what is called a conference committee.

The leadership of both Chambers appoints conferees to represent the interests of the respective Chambers, as you then sit down and try and iron out those differences. Chairman BARNEY FRANK chaired that conference committee. There were 42 of us, Members of the House and the Senate, who got together for that lengthy period of time, including one all-night session, to produce what is in front of us today, and that is this. This is the conference report that reflects the work of both bodies over many months in trying to craft a series of ideas and proposals that would minimize, if not all together prohibit, the tragedy we have been through over these last several years.

I would also be remiss at this juncture if I did not thank the members of the Senate Banking Committee who spent a lot of time together over the last number of years. I became chairman of this committee about 30 months ago, in January of 2007. My great friend and colleague with whom I served for so many years from Maryland, Paul Sarbanes, retired from the Senate. The ranking member, Senator SHELBY, was chairman of the Banking Committee for about 4 years prior to January of 2007. So on the seniority system, I reached the elevated status to become chairman of this committee at a critical moment when obviously the bottom began to fall out of our economy. Since January of 2007, our committee has had around 80 hearings on this subject matter alone that has produced the ultimate product before us here this evening and tomorrow.

I want to begin by thanking my Democratic colleagues on the committee and the members of their staffs. TIM JOHNSON of South Dakota, who has done a wonderful job, has been deeply involved in a number of critical issues before the committee.

JACK REED of Rhode Island is a very valued member of the committee, spent a lot of time working with Senator GREGG on the derivative section in this bill.

Senator CHUCK SCHUMER of New York, extremely knowledgeable about financial matters, has been invaluable in understanding the nuances and the difficulties, as well as understanding this institution very well, and I want to thank him for his service.

Senator BAYH of Indiana, who, along with myself, will be retiring at the end of the year, has been a strong member of the committee, brought a good perspective on the needs of American business and industry as we worked our way through the legislation; BOB MENENDEZ of New Jersey, tremendously helpful as well.

HERB KOHL of Wisconsin, again a knowledgable businessman in his previous life, comes to the Senate with a lot of strong ideas and contributed to this bill.

DAN AKAKA of Hawaii also added considerable financial literacy. This has been a subject matter he has long been interested in, and seeing to it to how we might elevate the knowledge and understanding of consumer responsibility when it comes to financial matters.

SHERROD BROWN of Ohio. We serve together on two committees involved in both the Health, Education and Labor Committee, which the Presiding Officer also serves on. He is a member of the Banking Committee, and again was tremendously helpful and interested in the subject matter.

JON TESTER of Montana did a very good job as well and was invaluable on rural America, the interests of small banks, the financial needs of more rural aspects, more rural areas of our Nation.

JEFF MERKLEY who played a critical role, along with CARL LEVIN, on a major part of this bill dealing with proprietary trading, the so-called Merkley-Levin rule, which was debated at length over many weeks and is part of this bill.

MARK WARNER of Virginia is a new member of this body, a former Governor of Virginia, and a person who has spent a good part of his life working in the area of financial services. I cannot begin to say enough about MARK WARNER's involvement with this bill. He was invaluable in terms of helping to understand and bring together various people from disparate points of view on resolution mechanisms, as well as winding down of financial institutions and how they ought to work. And while a junior member of the committee, his involvement, his participation, was that of any senior member—in fact, more so. So I thank him.

Then, of course, MICHAEL BENNET of Colorado, as well who comes from a varied background, including financial services, understands it well.

So I thank my Democratic colleagues on the committee for their work.

Senator SHELBY, the Republican ranking member, and I have been great friends for many years, served in the other body and this body together for a number of years. And while we have differing points of view on this bill, and he is not a supporter of it, the Shelby-Dodd amendment, which was offered at the outset of the debate on the floor of this Chamber, put aside I think for most Members once and for all the issue of a bailout, too big to fail. I thank him for that and his involvement in the process as we moved forward.

BOB BENNETT of Utah, tremendously knowledgeable, played a very important role on the Banking Committee over many years.

JIM BUNNING, the nemesis of the Federal Reserve, was never shy at expressing his concerns about the conduct of the Federal Reserve Board. I thank him for that.

MIKE CRAPO of Idaho is very knowledgeable, worked with CHUCK SCHUMER on corporate governance issues. He contributed to this bill. A number of amendments we adopted were Crapo amendments that strengthened the legislation.

BOB CORKER, worked with MARK WARNER. I thank BOB CORKER. I listened to his remarks earlier today. We have a different point of view on the evolution of this bill, but, nonetheless, I thank him for his work on titles I and II of the legislation. Along with Senator WARNER, I think they made a significant contribution—and his staff as well.

MIKE JOHANNS of Nebraska again has strong interest in the legislation; Senator VITTER of Louisiana; Senator DEMINT of South Carolina; also Senator HUTCHISON. A number of amendments were adopted. KAY BAILEY HUTCHISON of Texas was deeply interested in regional banks, the Reserve banks, and played an important role.

JUDD GREGG of New Hampshire, again a retiring Member at the end of this Congress, while we have had some differences on this bill, which you will no doubt hear more of over the next 2 days, JUDD GREGG played such a pivotal role in the fall of 2008 in trying to put together a proposal that would restore some stability to the financial institutions in our country. While we have our disagreements, I have great respect for him. He is a knowledgeable Member, one who brings a great deal of passion to his beliefs and views. There are a lot of matters in which I could point to JUDD GREGG's involvement. I thank him as well.

Those are the members of the Banking Committee. So before beginning any substantive discussion of the bill itself, I wanted to thank the leadership of the House, the Financial Services Committee, and my colleagues on the Banking Committee, as well as, of course, BLANCHE LINCOLN of the Agriculture Committee for their work.

At a later point in these remarks, I will go through and mention staff, people who played such a critical role as well. But I thought at the outset we need a recognition of these Members. Yesterday I spoke briefly about the role of the majority leader, HARRY REID. And again, while not involved on a daily basis in the production of this legislation, the majority leader played such an important role in making sure the institution provided the time and the space and the procedures for the consideration of a matter such as this. As I mentioned earlier, he could have very easily decided to truncate the debate. We ended up taking 4 weeks of the time of this body, considering, as I mentioned earlier, some 60 amendments on the floor, open-ended debate. There were only one or two examples where a supermajority was required. There was only one tabling motion, I believe, of any of those amendments.

A significant number of amendments were adopted that were offered by the minority to this bill, as well as amendments that were offered on a bipartisan basis. In fact, of the 60 amendments that were adopted in the consideration of this bill, 30 of them, one-half, came from the minority as well as a bipartisan combination of amendments that were offered by both a Democrat and Republican together.

So one-half of the product that was adopted on the floor of this Chamber is a reflection of the work of Members from both sides of that political spectrum. And while Members may not want to crow about that, I do, because I think it is a reflection of the determination to make sure that this bill would be available for amendment and consideration.

No one is guaranteed success with their ideas, but you ought to be guaranteed an opportunity to be heard, and what we did in the consideration of this bill is provide that guarantee, and far beyond the guarantee. As I said, one-half of all the amendments adopted over 4 weeks were successfully offered by the minority or on a bipartisan basis, Democrats and Republicans. So the process has been an open one, one in which regardless of whether you like or support the bill, I would hope it would become an example of how the Senate can conduct its business on a major legislative proposal.

Today and tomorrow, the Senate of the United States will have the opportunity to bring some closure to one of the most challenging times in our recent history with the passage of comprehensive financial reform. This bill was not written to reshape our economy, the most powerful economy the world has ever known. Nor was it written to hinder innovation in our financial sector, the spirit of creativity and entrepreneurship that has made our economy the envy of the developed

world, still is strong and vibrant, and I think enhanced by what we have done with this legislation.

As tempting as it would be to let the cries of protest from the worst offenders of the large financial institutions serve as an argument for passage, this bill was not written to punish Wall Street, despite the desires of many.

Our reform legislation does not have an agenda of its own. I would like to point out what we are trying to achieve with this legislation. Here you can see on the graph behind me—I will have several graphs to point to people—our job was—and you can look at various orders of matters on the graph—to end bailouts and too big to fail. Maybe more so than any other issue, this one is an issue which Members of the body were joined together in a common cause that never again did we want to see a bailout of a financial institution at the expense of the American taxpayer. So our first goal, in my view, was to end too big to fail and to end these bailouts.

Another is to grow jobs and create wealth. Obviously, you cannot without a vibrant financial services sector where credit becomes available, whether it is a small bank in Alaska or Connecticut, where credit can flow, capital can move, so businesses can grow and jobs can be created. And while this is not a jobs bill per se, in the absence of doing what we are doing, the idea of talking about long-term growth in our country without reforming the financial institutions would be a pipedream, in my view. So this legislation has as its goal to help create job growth in our Nation.

We want to empower consumers and investors. I will get into this in more detail, but the idea that there is someplace in our Nation where a group of people get up in the morning, not as a second or third afterthought, worrying about what happens to the consumer of financial institutions, whether it be a credit card, a student loan, a home mortgage, a car loan, whatever, an insurance policy—when you get up that morning, your primary obligation is to make sure that average consumer in this country who needs and depends every day on financial services will have someone watching out for them, to see to it that they are not going to be abused, defrauded, and taken advantage of. For the very first time in our Nation's history, we will have such a place because of this legislation. It is not perfect. It is not exactly what everyone was looking for. But I think allowing an agency like this, a bureau, to exist that will be able to focus its attention on that concern is a major contribution to this legislation.

Fourth, we have here the issue of putting tools in place to avoid these problems from growing as large as they did. One thing I think is very important to say about this bill. There is nothing in this legislation that will stop another economic crisis. It would be ludicrous to suggest we have. There will be other economic crises. The question we ought to be asking ourselves is, If there is one, can we minimize the effect of it or do we have a situation where a relatively small crisis can metastasize, much as a cancer might, across the economic spectrum in such a way that we find ourselves with job losses, foreclosures, and the like, that we have gone through?

We provided in the bill the tools to see to it that our regulatory agencies and others will have the capacity and the ability to identify, to spot early on problems that emerge both here at home and around the world. And I emphasize ''around the world'' because we have all painfully learned in the last number of weeks and months that a financial problem in a relatively small country some 10,000 or 12,000 miles from here can pose problems right in our own backyard. I speak, obviously, of the difficulties occurring in Greece and Europe as well. So it is very important that we have the capacity and the tools to address financial crises when they happen, as certainly they will.

Then lastly, of course, in this bill we rein in what we call the Wall Street enlarged bonuses that have so angered the American public, where people, even last year, in the midst of all this crisis and hardship—$20 billion was handed out in bonuses in the major financial institutions in our country. Again, I believe people who do good work and work hard ought to be rewarded. But how do you explain to the person who lost their job, their home, their retirement, their ability to educate their children, that an institution that brought this country to near collapse is rewarding its members with bonuses of $20 billion? So our legislation gives shareholders and others the opportunity in corporations to decide what those remunerations ought to be, as they should as the owners of these businesses. It is not a radical idea. In fact, it is radical not to allow people who ultimately are the owners of these businesses, as well as those whose hard-earned money gets invested, to have some say in all of this.

So our proposal before you is a comprehensive solution. It is not encompassing. There are obviously areas we did not deal with for reasons I will address momentarily. But it is a comprehensive solution to a very complicated set of problems.

This bill is a response to the failure of our financial regulatory system to protect ordinary families from the consequences of others' bad decisions. This legislation is the change I think the American people deserve after all they have lost and been through.

The effects of the crisis on our financial system are being felt all around us, and they will continue to be felt for some time, even with the adoption of this legislation. I have repeated these statistics, I know, over and over, and I will try to do this briefly, but it is important once again that we understand the impact of what has occurred. Sometimes, just by saying the numbers we dilute the influence or importance of it.

Mr. President, 8.5 million of our fellow citizens have lost their jobs in this economic crisis. Our unemployment rate is dangerously close to double digits. The fact is, it hovers near 20 and 30 percent with lower income people. If you are making $30,000 to $40,000 a year, the unemployment rate is triple that number of 9.5 percent or 10 percent. If you are making more than $75,000 or $80,000 a year—and many do—the unemployment rate is about 4.5 percent or 5 percent. So when you talk about a 9.5 percent or 10 percent number, that is overall, but within income groups, the number is much higher among lower income workers and working families than it is for the national average. So the job loss has been significant.

I wish there were some way to convey the sense of loss this is for all of us, not just for those who lose their jobs, but what it means to our confidence and our trust and our optimism as a people is far beyond the cost of some financial impact. Again, these numbers hardly reflect the damage done to our country.

Mr. President, 7 million people in our country have lost their homes or entered foreclosure, and millions more are teetering on the brink of foreclosure. Again, I say in this area, for those of us who serve here, obviously, the idea of foreclosure is about as remote as anything we could think of. We are well compensated as Members of the Senate to be in this Chamber. But that notion of having to go home to your family because of a job loss, because of a bad mortgage—one you got into that you could not afford—all of a sudden having to let your family know that the home we live in, we dreamed about, that we got so excited about acquiring, no longer is ours; we have to move; we have to leave—again, I do not know if you could begin to explain or describe what that means to an individual, to a family, to be through that.

So the 8.5 million jobs, the 14.5 million unemployed citizens in our Nation—a 55-percent increase, by the way, since the crisis began—again, the number I have mentioned to you of 9.5 percent of unemployment—I mentioned the 7 million homes that have been in foreclosure since the housing crisis began. In the first quarter of 2010, half of the States saw an increase in the rate of homes entering foreclosure as opposed to a year ago.

So while we are on the brink, I hope, of passing this bill, let there be no doubt or illusions—that problems persist and this bill does not bring your home back. It does not bring a job back for you in the morning. It does not restore your retirement account. But hopefully it will see to it that we never have to see our country go through these kinds of difficulties again.

We have lost dozens of community banks over the last several years.

Thousands of small businesses have had to close their doors. Trillions of dollars in retirement savings and household wealth have evaporated as well.

Let me again just go through some of those numbers for you. The impact of the crisis on community banks: 90 banks in 2010 with assets totalling $75 billion through July 9 of this year have closed their doors, and 89 of the 90, by the way, held assets of less than $10 billion. These are small community banks that have had to close their doors as a result of the crisis. In 2009, there were 140 banks in our country with assets of $170 billion that also closed their doors, and 135 of the 140 that closed their doors had assets of less than $10 billion. So again, we have seen over the last 2 years the number here approaching 250 banks, the overwhelming majority being small banks.

The FDIC, the Federal Deposit Insurance Corporation, has on its watch list of institutions 700 banks that are shaky. Again, saying they are shaky does not mean they are about to close their doors. But there is a watch list that the FDIC pursues. Again, I would love to tell you that the passage of this bill is going to stop all of that from happening immediately. It does not. But it certainly minimizes the possibility of ever watching that happen again as a result of the circumstances we have been through.

Our work continued as Democrats and Republicans in the committee worked to put together a framework as far back as November. In fact, it goes back and predates earlier. But last November, my colleague from Alabama, the former chairman of the committee, Senator SHELBY, announced—and I believe he was correct—that we had gotten about 80 percent of the way to a bipartisan consensus on this legislation. That is about where it ended, I guess, but nonetheless this bill does reflect at least strong measures in here that were crafted on a bipartisan basis.

On the Senate floor, we debated the bill for 4 weeks, carefully considering the ideas and concerns of our colleagues. Some 32 amendments were offered either by the minority or together with a Democratic and Republican author, of the 60 amendments. Half of the additions that were made to the bill over 4 weeks came from the minority, either alone or working with a majority member.

Then, for the first time in recent memory, we broadcast every minute of the almost 70 hours of the conference committee between the other body, the House of Representatives, and the U.S. Senate. This conference committee was on C–SPAN. There were no backroom deals because there was not a back room. Everything was done—all—every minute of that conference was reported to the American public—in fact, beyond. C–SPAN, picked up by satellite, was available literally around the world to monitor the events in the conference committee. We approved an additional 14 amendments by my Republican colleagues during the conference. We worked out our differences with colleagues in the House and produced a finished conference report that we have before us today.

So, again, this chart behind me reflects those efforts.

As I mentioned, in the conference committee we held eight public meetings over 2 weeks, for almost 70 hours, where the 42 of us gathered to resolve the differences between these two bills. We approved some 32 amendments in the conference committee. There were 79 votes held. Of the 32 amendments that were approved by the conference committee, 14 came from our Republican colleagues and 18 came from our Democratic colleagues. Almost an equal number were adopted offered by both the minority and majority in conference.

Again, almost an equal number were adopted here on the floor of the Senate. Of the 60 amendments we debated here, 32 were, again, either minority amendments or done in conjunction with a Democratic colleague. We held some 39 rollcall votes on the floor of this body to consider the bill over the 4 weeks we debated the legislation.

I do not want to dwell on all of that, but I think it is important because, as I pointed out earlier, we went through a health care debate. I was very involved in that because of the tragedy, the loss of my great pal and friend from Massachusetts, Senator Kennedy, who chaired the HELP Committee. With his illness, I was asked to take over the acting chairmanship of that committee. We all know what a painful process it was to come to a conclusion on the health care debate. Again, I regret, I am sorry it went through that process—not exactly a textbook version of how a bill ought to become law—but nonetheless an important contribution to our country.

This bill, by contrast, is a model in many ways of how a bill ought to become law. We did it under an open process. We had a conference that was open, amendments were offered, and Members could be heard. I am not suggesting that is a reason solely for someone to support this bill or oppose it, but I do think it is important in how this body conducts its business as a model of what can be done to restore some civility to a process that is sorely lacking in it on too many occasions as we try to resolve the matters that our constituents have sent us here to work out.

So I talk about the number of votes cast, the time spent, the openness of the process because it ought to be rewarded to some degree. If, in fact, there is no different conclusion, the same roadblocks are offered, and whether or not we have a closed process much as the health care debate was, or as open a process as the financial services bill was, and at the end of the day you are still faced with the same obstruction in trying to pass a bill, why would you bother going through all of this? It seems to me there ought to be a reward for a process that is as involved and as inclusive as this one has been.

So throughout this debate we have heard the same arguments, of course, coming from the opposers of this legislation: Slow down. Don't overreach. Let's let the market work things out. Let's wait for another day and start over. I keep hearing that argument over and over, and as infuriating as that can be to hear from some of the very same people who caused this mess to begin with, we have taken great pains to listen to all sides and included their ideas and proposals in this conference report that is before us. What we haven't heard is an alternative plan to fix the gaping loopholes in our system. Indeed, the alternative is to maintain the status quo. That is all I can conclude because there is no other option, nor has there been placed on the table, that which allowed this process to happen. A status quo that was dangerous 2 years ago, it is even more so tonight.

If we let this opportunity to reform our financial system go by, we will find ourselves, tragically, someday far too soon, in an even deeper hole financially, facing even more of a mess, and needing to write an even bigger bill to clean it up. I would predict that another generation or two would pass before such another historic effort as we have crafted here would come before this body if we fail to accomplish what is before us tomorrow. We cannot afford to let that happen. We must not let that happen. This is truly a strong and historic piece of legislation. It puts a permanent end to too big to fail, to taxpayer bailouts—gone.

Allow me to remind my colleagues of what is in this historic bill, along with the too-big-to-fail concept and ending the bailouts that have too often persisted in the past. Wall Street firms understand if they gamble with their own risks, it is one thing. Gambling with others is a flaw that we will not tolerate. The American people deserve this assurance, and we provide it in this bill. They were put on the hook, of course, for an unprecedented emergency action that we had to take to save our economy from completely collapsing. They were and still are angry that they had to pay for the greed and recklessness of others, and they were and are still today even angrier that their generosity didn't seem to motivate Wall Street to change its culture, as banks continue to lavish large bonuses on executives while Main Street Americans lost their homes, their jobs, their retirement, and their wealth.

As I mentioned earlier, this bill creates a consumer protection agency with authority and independence. It ends too big to fail; it establishes an advanced warning system for financial threats; and it provides new transparency and accountability for derivatives and other exotic financial instruments. It makes public companies and

executives more accountable to their shareholders, and it gives regulators powerful authorities to protect investors and depositors. This legislation, I say to Wall Street, with its outright ban on any future too-big-to-fail bailouts, is the other shoe dropping.

Our bill also establishes, as I mentioned, a consumer financial protection bureau, the very first-of-its-kind watchdog. It will have one job and one job only; that is, to protect and empower American consumers and their financial decisions. American families shouldn't have to have an advanced business degree to plan for their financial future, and they shouldn't have the fear that they will get ripped off by a shady lender or a scam artist as too often has been the case.

For too long they have been on their own because the seven different agencies that were supposed to be looking out for them were distracted by their other sometimes conflicting missions.

Americans need to know this new consumer protection bureau would not make decisions for them. The new bureau will make sure consumers have the information they need to make good decisions about their home mortgages, their student loans, their home equity loans, their credit cards, and other financial matters. It will protect them from being trapped by unfair or deceptive or abusive lending practices, and if they do encounter a problem, there is a single toll-free number to call and get help.

By the way, let me just add to this last point about consumer protection: I have heard some Members suggest we don't deal with underwriting standards for home mortgages. I am looking to staff here, but I think there are some 40, 50, 60 pages of this bill, pages and pages alone dedicated to underwriting standards when it comes to residential mortgages. We spent a great deal of time in seeing to it that no longer would we have these no-doc loans, no requirements, no information, nothing at all that too often led to the financial difficulties we are in.

I urge my colleagues and others to read the bill or read the sections. There is a whole area of this bill, a significant part of it, dealing with underwriting standards for residential mortgages.

This bill will provide an early warning system to sound the alarm should large institutions or new financial products or practices threaten the stability of our financial system. Most Americans were completely unfamiliar with innovative financial instruments such as credit default swaps and mortgage-backed securities until those very instruments sparked a crisis that put millions of people out of work. I noted with some interest just yesterday, I believe it was, that the former Secretary of the Treasury, Hank Paulson—I don't want to exaggerate his comments, but I think I concluded that he thought this bill was a good bill. He identified specifically this early warning system in our legislation as one of the important provisions that had not existed earlier on, not just last year but going back to 2004, 2005, as he rightly points out, when the problems began to emerge, that this problem that we have gone through never would have happened to the extent it has.

So one of the highlights of this bill is that we have far more than just one set of eyes now looking over the landscape both at home and abroad, including State regulators who I think can bring a valuable contribution to the oversight responsibilities when it comes to determining whether institutions themselves or product lines or practices are so risky that they endanger our financial system. Then they have the power to respond to that as well, to see to it that those practices can be brought to a stop before they cause the problems that the last crisis did in so many other areas of our economy.

Our legislation contains strong provisions that bring the $600 trillion derivative market out of the shadows and into the sunlight. Let me repeat that number. This is an area where we went from $60 billion, I think it was—a $60 billion to $90 billion industry of the derivatives market to $600 trillion—that is with a ''t''—globally, just a massive market, operating in the shadows. Again, our legislation shines the bright light of sunshine on these transactions so we have far more transparency in this area.

Let me quickly point out that there is absolutely nothing inherently wrong with derivatives. In fact, quite the contrary. Derivatives are vitally important if utilized properly in terms of wealth creation and growing an economy. But what was once a way for companies to hedge against sudden price shocks has become a profit center in and of itself, and it can be a dangerous one as well, when dealers and other large market participants don't hold enough capital to back up their risky bets and regulators don't have information about where the risks lie. AIG was the classic example, of course, where that happened.

Derivatives should help companies manage their risks. That is why they are valued, so they can continue to grow their businesses, hire workers, and improve the quality of our economy. But during this crisis, panic and confusion in the derivatives market led to job losses. Derivatives traders lost sight of the impact their actions were having on the real economy in our Nation.

With this bill, companies can continue, obviously, to use derivatives to hedge their commercial risks, but they must do so in a much safer and transparent way that would not put our whole financial system at risk.

Meanwhile, of course, this bill includes reforms to executive compensation and corporate governance that will make corporate executives more accountable to the owners of their businesses—the shareholders in these companies—and new protections for investors.

Despite the wild protestations of some on Wall Street who, given their actions in the lead-up to this crisis, have little standing to lecture us about keeping our financial system healthy, this bill is good for the financial sector as well. Our bill rewards creativity and innovation without the pressure to take outrageous risks or to deal unfairly with consumers. Honest firms can focus on competing for business by serving their customers better, and for community banks reform means stronger core funding, fair deposit insurance premiums, a stronger insurance fund, and a far more level playing field. These banks will get to keep their Federal regulator, and they would not be charged assessments by the new consumer protection bureau.

For retailers, this reform bill means freedom from inflated interchange fees and for consumers. I wish to thank RICHARD DURBIN, our colleague from Illinois, the majority whip, whose insistence on this language in the bill provoked significant debate and discussion. I didn't mention him earlier, but I wish to thank Senator DURBIN for his involvement, and I thank retailers and others across the country who strongly supported this provision in this bill. Fifteen million retailers today will be able to earn more and charge their customers less because of these provisions in the bill.

For seniors and veterans and minorities, reform means protections against some of the most hideous scams targeted at these populations in our country. Again, I point out—I don't know if we have this up, but here was the headline in the Wall Street Journal the other day: ''Big Win for Small Banks in Overhaul.'' That certainly is the case. There are 8,000 of them in this country. The Independent Community Bankers Association, while not endorsing the whole bill, sent a memorandum to every Member of this body, I think this morning or yesterday afternoon, outlining why the major provisions in this bill are very good for our small banks in this country. I have enumerated just a couple of measures.

Mr. President, I ask unanimous consent to have printed in the RECORD at this juncture the memorandum from the ICBA, if I may.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ICBA Commentary

THE GOOD IS OFT INTERRED WITH THEIR BONES

(By Jim MacPhee, Mike Menzies and Sal Marranca)

A tsunami of paper, e-mails and every other form of communication predicting everything from the destruction of community banking to financial Armageddon is washing over bankers nationwide as a result of the House passage of the conference report on Wall Street Reform. Some of this stuff is so extreme it practically implies the end of life as we know it. It has Chicken Little in a full sprint.

Ok, enough already. There is some really bad stuff in the bill. Some of the information soaking bankers about the bad stuff is actually very true and accurate, some of it is exaggerated and a bit of a stretch, and some of it is just downright lies designed to scare the daylights out of community bankers. That is so community bankers will pull Wall Street's chestnuts out of the fire for them. Why do you think it is called the ''Wall Street Reform Act''?

Everyone has been made painfully aware of all the evil in the bill. What seems to be lacking is a fair and balanced look at what actually may be some good elements in the bill—if you are a community bank that is. Not much good in there for Wall Street—we freely admit that.

From our personal observations, we know that a fair number of community bankers watch the FOX News Channel. And according to FOX News, it does its best to be ''fair and balanced.'' So, in the interest of ''fair and balanced,'' and because just about everything evil, bad and terrible has been said about the Wall Street Reform Act that can be said, let's at least look into the bill and see if there is anything remotely redeeming for community banks.

Keep in mind that we are not fair and balanced when it comes to the financial services industry. As longtime community bank executives, we freely admit that we are fiercely devoted and passionate about the community banking industry and don't represent nonbank financial firms or Wall Street. So with that disclaimer, let's look at the other side of the coin.

A U.S. Senate Banking Committee summary of provisions in the bill that will benefit community banks might be a good place to start. As already mentioned, while the Wall Street Reform Bill contains some burdensome measures for community banks, particularly those that impose government price controls on debit interchange fees, the legislation also includes many important provisions and exemptions for community banks that ICBA fought for and won. Some of those provisions will directly benefit community banks' bottom lines. Others are designed to buffer community banks from the actions lawmakers were intent on taking to rein in the megabanks and nonbank financial firms.

Among many other measures beneficial to community banks in the bill, four in particular are worth highlighting . . .

Fairer Deposit Insurance System. The bill will require the FDIC to assess insurance premiums based on total liabilities, not on domestic deposits. This provision alone will save community banks a total of $4.5 billion over three years.

Deposit Insurance Coverage. The bill will permanently raise the FDIC deposit insurance limit to $250,000. It will also extend unlimited deposit insurance coverage for noninterest-bearing transaction accounts under the Transaction Account Guarantee program for two years.

Too-Big-To-Fail Regulations. To reduce too-big-to-fail funding advantages and systemic risks, the bill will require the largest banks to hold more capital and liquidity reserves. In addition to creating a new systemic-risk council, the bill will put in place new resolution authority to wind down the largest institutions that fail.

Consumer Financial Protection Bureau Exemptions. ICBA vigorously and continually opposed the creation of the Consumer Financial Protection Bureau, but the bill offers several important measures to exempt community banks from direct bureau oversight. Most nonbank financial firms, for the first time, will be subject to the same lending rules and standards that community banks must follow. Banks with up to $10 billion in assets will continue to be examined for compliance by their current regulator. A measure to give the bureau ''backup enforcement'' authority over community banks was eliminated.

Significantly, the CFPB will not have authority to impose assessments on community banks to pay for its operations. Also, the bureau will be required to consult with the banking regulators before proposing any rule and during the comment process (ICBA fought hard for these exemptions). In all of its rule making, the bureau also will have to specifically consider the benefits and costs a new consumer-protection rule would have on banks with less than $10 billion in assets, and to rural bank customers. Before proposing any rule that would significantly affect community banks, the bureau must convene a panel to gather input directly from community banks.

Now if this bill is defeated all the bad stuff will just come back like a bad habit, but all the good stuff listed above goes away—likely for good. As Mark Antony said at Caesar's funeral, ''the evil that men do lives after them; the good is oft interred with their bones.'' In the context of Wall Street Reform, Mark Antony is saying that if the bill goes down the bad stuff in the bill will live on in many, many different forms, but the good stuff for community banks in this Act will be buried with it. Through the ages Shakespeare's wisdom has been proven time and again.

At the end of the day, each community banker will have his or her own view of this bill. And that view will be shaped by his or her own circumstances, and that is as it should be. As your elected ICBA executive committee members, we will always ensure that ICBA stays true to its mission to represent the best interests of community banks at all times and flier. We hope this commentary gives you at least a glimpse of the other side of this issue.

Mr. DODD. Mr. President, the ICBA memorandum highlights all of the things done in this bill that warrant the headline in the Wall Street Journal about how the overwhelming majority of the 8,000 small banks in this country do well under this bill. I thank the ICBA for stepping up and making that case for us. The American Bankers Association had been vehemently opposed to this legislation and tried to convince people they represented all banks in the country. The ICBA took great offense at this suggestion and hence the memo sent around to all Members.

I wish to thank other colleagues as well—I didn't mention this earlier—regarding the small business provisions. Particular thanks go to our colleague from Maine, Senator SNOWE, who chairs, along with Senator LANDRIEU, the Small Business Committee. They paid particular attention to how small businesses would be affected by this bill and made a number of suggestions which we adopted as part of the bill on the Senate floor and again preserves them in the conference committee. These are not minor suggestions. They were significant ones and added great value to this bill.

We all talk about small business, but if we are not careful, too often they get lost in the debates around here. Senator SNOWE and other colleagues—I see my colleague from North Carolina, Senator HAGAN, as well—expressed interest as to what would happen to small banks and small businesses and our desire to reform a system to make sure they were not going to be overly burdened with regulations and other things that would make it difficult for them to operate.

So there are other provisions in here, particularly with regard to consumer protection, where the needs and concerns of small businesses must be addressed before rules are promulgated. That would not have happened except for the contribution of my colleague from Maine.

I would be remiss, as well, if I didn't mention—I didn't discuss it here—the capital requirements in this bill. There was a lot of discussion about that. It was the amendment of SUSAN COLLINS, our colleague from Maine as well, who, along with working with the FDIC and Sheila Bair, came up with a very strong provision in this bill that is a very workable and flexible provision but helps us avoid one of the major problems that contributed to this crisis, which is the capital standards that raised the risks and caused so many of our institutions to get into the trouble they were in. Senator COLLINS made other suggestions to the bill that were important as well. But I think those particularly dealing with capital standards contributed very much to this, and I am grateful to her, as well as her colleague from Maine, Senator SNOWE, for her contributions.

I mentioned earlier we talked about trying to get this right on the question of proprietary trading, the so-called Volcker rule that was raised by the former chairman of the Federal Reserve Board.

Again, I thank Paul Volcker for his contribution, his tireless effort. He has long since left public life, and he could have sat back and offered general commentary on everything, but he decided, at his young age, to get back involved and engaged in this bill. He made a strong contribution to the concept of proprietary trading, where depositors' money should not be put at risk when banks are making choices that involve risk. It is one thing to risk your own money, but to risk your depositors' money is another matter. But it is more complicated than the two sentences I have just uttered.

I thank SCOTT BROWN of Massachusetts, because this was not merely a parochial interest out of the Commonwealth of Massachusetts. There is the whole issue of the de minimis participation, where banks literally have to hedge to protect depositors' money against interest rates. There are a number of legitimate areas where that is required and necessary. As a result of Senator BROWN's involvement and work, we took note of that, and it reflects his ideas and thoughts in this bill as well. It is a stronger bill as a result of his involvement.

These areas of small business, capital standards, and de minimis participation were all significant contributions

to our legislation. I thank them all for their work. There are many other aspects. I thank Senator LUGAR and BEN CARDIN of Maryland for their proposal dealing with extraction of natural resources, and requiring that companies that are public that do so have to say in their public filings with the SEC how much they are paying the mostly developing countries for the right to extract these natural resources. I am told by those who follow these issues that that provision alone could have a huge impact when it comes to the ability of developing countries to understand what has happened to their natural resources and some of the corruption that exists in their country.

I note the presence of my friend from Minnesota. I mentioned earlier, when he was presiding, his contribution on rating agencies. This was a subject matter we debated and discussed endlessly, trying to figure out how to get greater accountability out of the rating agencies, greater due diligence, so that when the institution or person making the decision to purchase a securitized product that had been rated as AAA, or AA, or B, or whatever that label is on there—for years people have relied on that. You saw that AAA and you didn't have to know much more. It didn't get any better than that.

We learned painfully that those ratings were not based on due diligence by the rating agencies but on the information of those purchasing the ratings from the departments who were relying exclusively on the very entity being rated. In a sense, it was fundamentally false to suggest that the rating agency had drawn the conclusion that a particular product, whether a securitized mortgage or others, was actually of the value that the rating would indicate.

Our colleague from Minnesota, of course, played an important role in suggesting an alternative idea that has been incorporated in the bill. I am deeply grateful to him for his involvement. I mentioned earlier some of the provisions.

JEFF MERKLEY is a member of our committee.

One of my dearest friends during my service here in the Senate is my colleague CARL LEVIN. We don't serve on committees together. He is chairman of the Armed Services Committee and also chairman of the Government Operations Committee—the names change; I still believe that is the name of the committee—which has broad jurisdiction, but he held a critical hearing days before we brought this bill to the floor of the Senate, highlighting many of the problems that have persisted in the financial services sector. Working with our colleague from Oregon, Senator MERKLEY, Senator LEVIN and he crafted a proposal to deal with proprietary trading—the Volcker rule, which I mentioned a moment ago. It was due to their involvement that those ideas were incorporated into the bill.

When you have a 2,500-page product—I see my colleague from Michigan; I didn't know he was here. I thank him for what he did in this bill. I have spent a lot of time here, but I suspect that over the next 24 hours or so there will be more discussion about it.

Again, I have been asked: Do you disagree with anything in the bill? Of course I do. This is a bill crafted by a committee, working with our colleagues in this Chamber, and with the 435 others in the other Chamber, working with the White House, the regulators, and the stakeholders in trying to fashion a bill that would reform our financial system. I wrote a bill back in November that I would have preferred. But you don't get to write your own bill. You can do that, but that may be where it begins and ends. We serve in a legislative body, so it takes compromise and working together to try to achieve the best results we can, recognizing that, in the end, you have to produce the votes. A good idea that doesn't have the votes is just that—an idea. But we bear responsibility of more than just coming up with ideas. The American public expects nothing less of us than to fashion proposals that will minimize great risks to them. None of us lost a job or a home in the last 2 years. None of us has watched our retirement account evaporate overnight. None of us will worry whether our children can get a higher education. That all happened to the people we represent across the country. They are asking that we do our best. They don't ask for perfection. They know we have not solved every problem, and that we are not going to bring back their homes and their jobs; but they expect us to respond to the situation that brought us to the brink of financial disaster. This is our best effort to do so. It is not perfect, I know that. It is not exactly what I would write on my own, nor is it what anybody else would have written. But it is our best judgment on what we can do.

We won't know the full results of what we have done until the very institutions we have created, the regulations we have suggested and provided for are actually tested. We can't legislate wisdom or passion. We cannot legislate competency. All we can do is create the structures and hope that good people will be appointed who will attract other good people—people who will make careers and listen and see to it that never again do we go through what we have been through. That is not our job. Ultimately, that is dependent upon what happens after this bill becomes law—if it does. We need to see to it that the human leadership that makes up these bodies who will be responsible for regulating the activities in these financial areas does its job. None of us has the power to guarantee that. All we can do is provide them with the tools and the structure and the architecture that will allow them to do that job well. We have done our best to provide those very tools, and that structure, and that architecture, in a complicated time—in the midst of understandable anger and frustration. I cannot legislate anger and frustration. That is not our job here. As angry as we are, as mad as we may be at institutions and individuals, that cannot be our motivation in crafting the legislation that the American people expect.

Many have endorsed this bill, but not because they love every aspect of it. I am grateful to Sheila Bair at FDIC. She has been stalwart in her effort to seeing to it that consumers, small banks, and others would survive and do better. I am grateful to her and the staff of the FDIC.

I am grateful to Tim Geithner and the Treasury folks, who have done a great job working our way through technical matters and the like, so we can understand the implications of various ideas to get the job done.

I am grateful to the National Credit Union Administration's chairman, Mr. Matz, who was helpful in putting this bill together.

I mentioned the ICBA, the independent community banks, and their importance as well.

Again, I thank the former Federal Reserve Chairman, Paul Volcker. Also the 20 pension fund managers, including the Connecticut State Treasurer, as well as the CEO of the California State Teachers Retirement System, the Massachusetts Laborers' Benefit Fund, Service Employees International Union, the National Treasury Employees Union, U.S. Public Interest Research Group, National Consumer Law Center, Americans for Financial Reform, Consumer Federation of America, American Association of Retired Persons, the Leadership Conference on Civil and Human Rights, North American Securities Administration, the Institute for College Access and Success—on and on.

I ask unanimous consent that the list of the myriad organizations across this country that endorsed this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Federal Deposit Insurance Corporation Chairman Sheila Bair; National Credit Union Administration Chairman Matz; Former Federal Reserve Chairman Paul Volcker; 20 prominent Pension plan managers including the CT State Treasurer and the CEO of the CA State Teachers' Retirement System; Massachusetts Laborers' Benefit Funds; Service Employees International Union (SEIU); National Treasury Employees Union; U.S. Public Interest Research Group (U.S. PIRG); National Consumer Law Center; Americans for Financial Reform; Consumer Federation of America; American Association for Retired Persons (AARP); The Leadership Conference on Civil and Human Rights; North American Securities Administrators Association; The Institute for College Access & Success; National Association of College Stores; National Association of Convenience Stores; National Restaurant Association; National Grocers Association; The Food Marketing Institute; The Merchants Payments Coalition; The Petroleum Marketers Association of American and New England Fuel Institute; and 7-Eleven and its Franchisees.

Mr. DODD. Mr. President, lastly, I think it is worth noting that in all the analysis that we did to root out the cause of the crisis, it was not the American people who were at fault. Their prosperity was built on hard work, entrepreneurship, and creativity. Those qualities are as strong now in the American people as they have ever been. We have seen a pattern of exploitation on the part of some executives and others in the financial sector, and a lack of wisdom on the part of too many Washington regulators. What we have seen is a lack of integrity on the part of some greedy individuals, who sought to get rich by ripping off the American families. What we have seen is a lack of compassion and competence on the part of those who were supposed to be watching out for the interests of consumers and investments.

As a result, there has been a deficit of trust in our markets, foresight in our regulatory system, and confidence in our economy.

The challenge we have faced all along is how do you restore those things? How do we restore trust? I can't put a number on that for you. I can't tell you the financial implications of the absence of trust or a diminution of it. How do we bring back confidence and optimism, which has been the hallmark of our Nation, even through the most difficult of times? You can't legislate trust or confidence or optimism. As I said, you cannot legislate wisdom or integrity, and we have not sought to do so in this bill.

There is nothing I or any other legislator or Senator can do to stop a banker from making a bad decision or a trader for putting profit over principle. Our system will always depend, in part, on human beings. So it will always include human error.

But our system also depends on institutions and those we can do something about. That is what this effort is all about. We can strengthen them to make our financial system more resilient to the shocks that occur and make our economy as a whole less vulnerable to the effects of those shocks.

If you ever played a board game called Jenga with your kids, it involves stacking a series of oddly shaped blocks, one on top of the other. But because the foundation on which the first block is laid never grows any broader, there is only one way to build, and that is up. As you build, the stack becomes more and more unstable, until someone places one fateful block in the wrong spot and the entire structure comes crashing down.

By allowing banks to shop for the most lenient regulators, in a similar fashion, by failing to put a strong cop on the consumer protection beat, by leaving the door open to taxpayer bailouts, we were building our wealth on a narrow and unstable Jenga foundation.

Yet by putting in place strong, clear rules, by giving regulators both the authority and the responsibility to enforce those rules, we can make our structures safer to invest in, safer to start a business in, and safer to participate in the economy of our Nation.

In short, this legislative proposal insists that we rebuild the foundation of our prosperity and, thus, restore the trust that allows us to prosper as a great nation.

This is one of my last acts as a Member of this body, in the legislative context. I am very proud of my colleagues and of this bill. I am proud of the work we have done over the past several years to make it as strong as we possibly could.

I thank my staff as well: Amy Friend sits next to me, our legislative counsel. I also thank Ed Silverman, the staff director. I also thank Jonathan Miller, Dean Shahinian, Julie Chon, Charles Yi, Marc Jarsulic, Lynsey Graham Rea, Catherine Galicia, Matthew Green, Deborah Katz, Mark Jickling, Donna Nordenberg, Levon Bagramian, Brian Filipowich, Drew Colbert, Misha Mintz-Roth, Lisa Frumin, William Fields, Devin Hartley, Beth Cooper, Colin McGinnis, Neal Orringer, Kirstin Brost, Peter Bondi, Sean Oblack, Erika Lee, Abigail Dosoretz, Robert Courtney, Caroline Cook, Joslyn Hemler, Dawn Ratliff, and all of their families.

I thank our legislative counsels: Laura Ayoud, Rob Grant, Allison Wright, and Kim Albrecht Taylor.

I want to thank the Democratic floor staff: Lula Davis, Tim Mitchell, Tricia Engle, and Meredith Mellody.

These are remarkable people whose names will never enjoy the spotlight or get notoriety, but day in and day out and over weekends and around the clock, they made all the difference in seeing to it that we arrived at this moment. There are Democrats and Republicans and people who work off the Hill who contributed as well. There are too many names to mention.

I thank Chairman FRANK and DICK SHELBY, my Republican colleague, as well as BLANCHE LINCOLN, who did such a great job along the way. It is a moment of some pride as well as success that we have come this far.

I ask unanimous consent that a list of staff on both sides of the Capitol be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE FINANCIAL SERVICES COMMITTEE

Jeanne Roslanowick, Michael Beresik, David Smith, Adrianne Threatt, Andrew Miller, Daniel Meade, Katheryn Rosen, Kate Marks, Kellie Larkin, Tom Glassic, Rick Maurano, Tom Duncan, Gail Laster, Scott Olson, Lawranne Stewart, Jeff Riley, Steve Hall, Erika Jeffers, Bill Zavarello, Steve Adamske, Elizabeth Esfahani, Daniel McGlinchey, Dennis Shaul, Jim Segal, Brendan Woodbury, Patty Lord, Lois Richerson, Jean Carroll, Kirk Schwarzbach, Marcos Manosalvas, Marcus Goodman, Garett Rose, Todd Harper, Kathleen Mellody, Jason Pitcock, Charla Ouertatani, Amanda Fischer, Keo Chea, Sanders Adu, Hilary West, Flavio Cumpiano, Karl Haddeland, Glen Sears, Stephane LeBouder.

OFFICE OF REPRESENTATIVE CAROLYN MALONEY

Kristin Richardson.

OFFICE OF REPRESENTATIVE GREGORY MEEKS

Milan Dalal.

OFFICE OF REPRESENTATIVE MARY JO KILROY

Noah Cuttler.

OFFICE OF REPRESENTATIVE GARY PETERS

Jonathan Smith.

HOUSE AGRICULTURE COMMITTEE

Clark Ogilvie.

HOUSE BUDGET COMMITTEE

Greg Waring.

HOUSE ENERGY AND COMMERCE COMMITTEE

Phil Barnett, Michelle Ash, Anna Laitin.

HOUSE JUDICIARY COMMITTEE

George Slover.

HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE

Mark Stephenson, Adam Miles.

HOUSE LEGISLATIVE COUNSEL

Jim Wert, Marshall Barksdale, Brady Young, Jim Grossman.

SENATE BANKING COMMITTEE

Ed Silverman, Amy Friend, Jonathan Miller, Dean Shahinian, Julie Chon, Charles Yi, Marc Jarsulic, Lynsey Graham Rea, Catherine Galicia, Matthew Green, Deborah Katz, Mark Jickling, Donna Nordenberg, Levon Bagramian, Brian Filipowich, Drew Colbert, Misha Mintz-Roth, Lisa Frumin, William Fields, Beth Cooper, Colin McGinnis, Neal Orringer, Kirstin Brost, Peter Bondi, Sean Oblack, Steve Gerenscer, Dawn Ratliff, Erika Lee, Joslyn Hemler, Caroline Cook, Robert Courtney, Abigail Dosoretz.

SENATE AGRICULTURE COMMITTEE

Robert Holifield, Brian Baenig, Julie Anna Potts, Pat McCarty, George Wilder, Matt Dunn, Elizabeth Ritter, Stephanie Mercier, Anna Taylor, Cory Claussen.

SENATE LEGISLATIVE COUNSEL

Rob Grant, Alison Wright, Kim Albrecht-Taylor, Colin Campbell, Laura McNulty Ayoud.

CONGRESSIONAL RESEARCH SERVICE

Baird Webel.

Mr. DODD. The final result depends on the votes of my colleagues and whether they decide it is better for us to move forward with these reforms as we have crafted them or to do nothing, in effect, and say that after all this time and effort, we have nothing to say about what brought us to this situation.

I have taken a long time. I apologize to my colleagues who want to be heard on this matter. I will be here all day tomorrow to listen to the debates and thoughts as we go forward. This is a moment in which we can take great pride as an institution, both in terms of what we produced and how we produced it. For that, I am deeply grateful to the membership of this institution.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, before I begin, I congratulate Senator DODD for all of the extremely hard work he has done on Wall Street reform. We are certainly pleased that we are at this point in time.

## UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. HAGAN. Mr. President, I come to the Senate floor this afternoon to

discuss two nominees for the Fourth Circuit Court of Appeals—Judges Jim Wynn and Albert Diaz.

When I came to the Senate, I had high hopes of increasing the number of North Carolinians on the court. North Carolina is the fastest growing and largest State served by the Fourth Circuit. Yet only 1 of the 15 seats is filled by the abundant talent from our State, and over the past century North Carolina has had fewer total judges on the court than any other State.

Furthermore, there have been inexcusable vacancies on this court throughout history. Given that the U.S. Supreme Court only reviews 1 percent of the cases it receives, the Fourth Circuit is the last stop for almost all Federal cases in the region. We must bring this court back to its full strength. Since 1990, when this court was granted 15 seats, it has never had 15 active judges.

Judge Wynn brings decades of judicial experience to the bench. He has served on the North Carolina Court of Appeals since 1990 and had a brief tenure on the State supreme court. He has been the chair of the bar association's Judges Advisory Committee on Ethics.

Additionally, Judge Wynn has served on Active and Reserve Duty in the Navy for 30 years and was a certified military trial judge. He has been honored for his extraordinary service several times, including three Meritorious Service Medals.

Judge Diaz has served since 2005 as one of North Carolina's three business court judges. Prior to that, Judge Diaz was a judge on the State superior court for nearly 4 years.

As a business court judge, Judge Diaz has handled complex business cases. He started as a lawyer in the U.S. Marine Corps, was an appellate counsel in the Navy's Office of the Judge Advocate General and has been a judge in the Marine Corps Reserves.

Judge Diaz also has extensive experience in business litigation and has served on the State Judicial Council which advises the State supreme court's chief justice on ways to improve the courts. He is a graduate of New York University Law School, with a graduate degree in business from Boston University and undergraduate degree in business from the University of Pennsylvania.

I note that both judges have received unanimous ratings of well qualified from the American Bar Association.

Additionally, both men's confirmation to this Federal bench will be historically significant, as Judge Diaz will be the first Latin American on the Fourth Circuit and Judge Wynn will be the fourth African American to ever serve on this bench.

These fine men have the support of both myself and my colleague from North Carolina, Senator BURR. Editorials and newspapers throughout North Carolina have praised these nominations and have urged their swift confirmation. The Charlotte Observer said Judges Wynn and Diaz are ''widely regarded as intelligent, ethical judges who have won respect for their judicial and military careers. They are the kind of judges the federal bench needs . . . Their quality is so unquestioned that only partisanship could stall their nominations.''

Unfortunately, I worry that is what is happening. Both Judge Wynn and Judge Diaz were approved by the Senate Judiciary Committee on January 28—Judge Diaz unanimously and Judge Wynn with only one dissenting vote. But for over 5 months now, the nominations have languished on the calendar. It is past time that these two fine judges be confirmed to the Fourth Circuit.

Mr. President, as in executive session, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session and consider en bloc the following nominations on the Executive Calendar: Calendar No. 656, Albert Diaz, to be a U.S. Circuit Judge for the Fourth Circuit, and Calendar No. 657, James Wynn, to be a U.S. Circuit Judge for the Fourth Circuit; that the nominations be debated concurrently for up to 3 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table en bloc, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will be objecting.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I appreciate the perspective of the junior Senator from North Carolina, but my perspective on the Fourth Circuit covers a little longer period of time.

I advise my friend that for the last Congress of the Bush administration, the Democratic majority only confirmed one nominee to the Fourth Circuit. As a result, the circuit was fully one-third vacant with five vacancies when President Bush left office.

These vacancies were not due to President Bush's failure to nominate several qualified candidates. As a result, my Democratic friends had to resort to creative reasons to justify keeping these seats open.

To give an example, the Fourth Circuit seat from Maryland was kept vacant for the entirety of the Bush administration—8 years. The last nominee for that seat the Democrats objected to was a fellow named Rod Rosenstein. Nobody could reasonably contest his credentials, so my Democratic colleagues turned his virtues into a vice, saying he was doing too good a job as U.S. attorney in Maryland to be promoted to the circuit court.

Despite the unfair treatment that Mr. Rosenstein received, many Senate Republicans in this Congress, including myself, supported President Obama's nominee to this seat, Andre Davis.

Also in this Congress, Republicans, including myself, supported the confirmation of Barbara Keenen of Virginia to the Fourth Circuit. With her confirmation, the Senate has confirmed twice as many nominees to the Fourth Circuit as occurred during the entire last Congress of the Bush administration when Democrats controlled the Senate.

With respect to the vacancies from North Carolina, President Bush put up a nominee who satisfied all of Chairman LEAHY's criteria for confirmation—Judge Robert Conrad. Judge Conrad had the strong support of his home State Senators. He received the blessing of the ABA, the Democrat's so-called gold standard, and he would fill a judicial emergency. Yet Judge Conrad could not even get so much as a hearing.

In fact, the Senate has been processing President Obama's judicial nominees, both district and circuit court nominees, faster than it processed President Bush's judicial nominees.

How has the President responded to our efforts to work in good faith? He recess appointed Donald Berwick before the Finance Committee could even schedule a hearing on him, and despite the fact that Republicans on that committee requested that a hearing be scheduled on his nomination.

Let me give my colleagues a brief timeline of the nomination of Donald Berwick.

On April 19, 2010, the President nominated Dr. Berwick to serve as Administrator of the Centers for Medicare and Medicaid Services. Less than 3 months later, and without a Senate Finance Committee hearing taking place, the President recess appointed Dr. Berwick. The reason offered was that the Republicans were blocking this vital appointment, so they could wait no longer to follow the constitutional process of Senate confirmation. Yet this position was vacant for the first 16 months of the Obama administration and has not had a confirmed Administrator since 2006, since my friends on the other side of the aisle were blocking the Bush administration nominee.

Democrats did not schedule so much as a committee hearing for Donald Berwick. The mere possibility of allowing the American people the opportunity to hear what he intends to do with their health care was reason enough for this administration to sneak him through without public scrutiny.

Given the President has been so dismissive of the Senate's right to provide advice and consent under the Constitution, I am not inclined at this

point to consent to the request proposed by my friend from North Carolina. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Carolina.

Mrs. HAGAN. Mr. President, it is disappointing that we cannot get consent for these judges. Senator RICHARD BURR and I together introduced these two individuals at the Judiciary Committee hearing. I will say that I remain committed to working with my colleagues on both sides of the aisle, as well as any Senator who has concerns over either judge, to working toward a reasonable solution that would allow an up-or-down vote on Judges Wynn and Diaz.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BUDGET DEFICITS

Mr. FRANKEN. Mr. President, I rise today to discuss an incredibly important subject—our Nation's budget deficits. The deficit for fiscal year 2009 was about $1.4 trillion. The total national debt is now just under $13.2 trillion. These numbers are staggering and represent a tremendous threat to our Nation.

We have been hearing a lot about these numbers over the last few months from Members on both sides of the aisle. We heard about the economic dangers of running these deficits—the dangers to us, to our children, and to the very future of this Nation.

I share these concerns over the direction of our budget deficits and our rapidly growing debt. I have held these concerns for some time, as a matter of fact. In a New York Times op-ed way back in 1988—22 years ago—I expressed my alarm that we had gone from being the world's largest creditor Nation to its largest debtor Nation. I noted then that the accumulated trade and budget deficits of the Reagan years worked out to about $20,000 per American family.

What frustrates me is that I have heard these deficit and debt numbers serve as an excuse for not passing an extension of unemployment benefits. We have been unable to get cloture on these extensions, despite spending weeks of the Senate's time on this matter and despite numerous attempts.

Opponents say our deficits must be addressed, our debt cannot grow any larger, we have to draw a line in the sand and insist these benefits be fully paid for.

This is troubling to me for two reasons. First, because these deficits are not new. Many of my colleagues seem to have suddenly become aware of them only a year and a half ago.

More importantly, I am troubled because one of the biggest threats to our long-term deficits is a double-dip recession and the stunting of our Nation's economic growth. This shortsightedness is not only jeopardizing our short-term economic recovery and our future economic health, it is causing us to abandon the real and urgent needs of families at home and in our States.

Please indulge me as I take a few minutes to take stock of exactly where we find ourselves.

We all know that our unemployment rate has been hovering at about 10 percent, its highest level in over a quarter of a century. There are 14.6 million Americans looking for jobs but unable to find them. Nearly half of these are friends, family, and neighbors who have been out of work for over 6 months, despite sustained efforts to find jobs.

Long-term unemployment is the worst it has been in the 60 years that these statistics have been kept. We have to go back to 1983 to find numbers even half this bad.

The competition for each job is fierce. It is not uncommon for hundreds of people to be fighting for a single job. This chart shows just how hard it is to find work right now. In 2006, there were about 1.5 unemployed workers for each job opening. That number has exploded to five unemployed workers for every opening.

It does not surprise me that countless Americans have given up looking and are not even counted in the bleak unemployment statistics I have been quoting. They have just given up.

I can't imagine many things more demoralizing than not being able to find work, not being able to take care of your family. I have heard the claim from one of my colleagues that unemployment insurance provides an incentive for the millions of unemployed to just sit on their duffs and not look for work. I couldn't disagree more strongly. Unemployment insurance doesn't keep people from working. The lack of jobs keeps people from working.

I have traveled all over Minnesota talking to people who are out of work. I have gone to the Anoka County Workforce Center; I have gone to union halls in Duluth, in Bemidji, in Rochester, and I have met with folks who are literally depressed. These are people who have worked their whole life—guys who started their first paper route when they were 9 years old, who took pride in doing their job, even when it meant going out on a 30-below-zero winter morning in Minnesota, and they have been working ever since. Work is an enormous part of their identity. These Minnesotans don't want an unemployment check, they want work. Still, I have had a number of them come and say to me: You know, if it weren't for my unemployment insurance, I wouldn't be in my house.

One of my constituents wrote to me and said:

> I was employed for 23 years since college graduation and now am in need of extended unemployment benefits as the economy slowly recovers via a ''jobless recovery.'' As a college graduate with an MBA and 23 years of continuous employment at ''good jobs,'' I never imagined even needing basic unemployment. As an active job seeker, I have met hundreds of other job seekers and virtually every one of them wants a job and wants to work.

Now this constituent and thousands of others like him have to hear this junk about how unemployment insurance incentivizes people not to work. I don't know where the Senators who are saying that are going in their States, but from what I have heard from my other colleagues, it is like this all over the country.

But even if we ignore the human side of our economic crisis, even if we are to look only at what is best for our Nation's economy, both in the short term and the long term, it is still the right answer to extend unemployment benefits and to do so without offsetting them by cutting other important programs. I am not an economist—not many of us here are—but there happens to be a pretty convincing record for us to draw from.

According to Mark Zandi, chief economist of Moody's economy.com, and a senior adviser to Senator MCCAIN's Presidential campaign, extending unemployment insurance benefits creates $1.63 in demand for every dollar spent. That is pretty simple, and it makes sense. Unemployment benefits are likely to be spent quickly and in local communities. Unemployed workers no longer get a paycheck, but they still have to pay their mortgages and they still have to put food on the table and pay their electric bills.

Throughout this crisis we have all heard from economist after economist who is closely watching the strength of consumer spending—our economy rises and falls on it. Unemployment benefits support consumer spending and stimulate the economy. Like other automatic stabilizers—programs for which eligibility is triggered when the economy sinks and are used less as the economy recovers—unemployment benefits are effective and appropriate stimulus measures.

Do you know what else has proven to work? Food stamps, with $1.73 yield for every dollar spent. Generally, the State governments return $1.38 on every dollar spent. That is why I have cosponsored a bill with my friend from Ohio, Senator BROWN, to deliver aid to States. The Local Jobs for America Act could save 1 million public sector jobs—the jobs of teachers, firefighters, police officers, childcare workers.

Of course, increased investment in our Nation's infrastructure yields $1.59 for every dollar spent. Infrastructure spending repairs our crumbling bridges and roads to keep us competitive in the global marketplace. We could build our way out of this crisis just as we did after World War II with our interstate highway system. The 21st-century version of the interstate highway system is our broadband network. Commerce is now highly dependent not just

on bridges and roads but on efficient communications.

There is no small irony in the fact that we have fallen behind other countries in our access to the Internet, a technology created by U.S. Government research dollars, and one which itself created so much wealth in the United States and around the world. The Recovery Act has already invested $85 million in grants and $32 million in loans to expand broadband coverage in Minnesota. That is a good thing because the more parts of this country we can reach with the broadband network, the more people in our country who will be engaged in trade and in our economy.

This expansion can also help reduce our Nation's other deficit—the trade deficit. The President's export initiative, along with improving exchange rates and local economic growth, can contribute to boosting our exports, and that means more jobs, more growth, and reduced budget deficits. Our country has plenty to offer, especially as countries throughout the world transition to green economies.

In my home State, a National Science Foundation grant helped the University of Minnesota develop a technological breakthrough that will lead to an ultra-efficient solar cell. These cells can produce 60 percent more energy. We shouldn't be importing Chinese solar panels. We should be using this technology to develop our own, for our own use and for export.

But all these things—unemployment benefits, infrastructure, research—cost money. They all require spending. Some of my colleagues seem to think that long-term deficit reduction and short-term spending are somehow incompatible. Take for example the Recovery Act. Yes, it added to our short-term deficit—perhaps. But imagine where our economy would be now if we hadn't enacted it.

I know some of my colleagues will say: Well, the stimulus package was a failure. The President said unemployment would hit 8 percent if we didn't enact the stimulus package, and unemployment has been nearly 10 percent for months. Well, yes, but there are a couple of possibilities. Either the stimulus package was a failure or the recession left by the Bush administration was even worse than his advisers thought it was when President Obama said that.

When President Bush left office, we were bleeding jobs. We lost about 800,000 jobs in that last month of the Bush administration, about 750,000 the first month of President Obama's administration. We lost 4.4 million jobs in Bush's final year in office. Yet with the Recovery Act, the President has been able to turn the economy around and immediately stem the growing losses. The numbers of jobs lost got smaller and smaller each month. This year we have had 5 straight months of growth, and we have created 882,000 net jobs this year. Does anybody see a trend line?

Some may note this little negative bar at the end. That is primarily the result of losing some temporary census jobs. But if we look at only the private sector, we actually saw a net increase of jobs in June. Imagine what this would look like without the Recovery Act. Last month, the CBO estimated that the Recovery Act has increased the number of people employed from 1.2 to 2.8 million. It is the view of many economists that but for the Recovery Act we would have slipped into a depression. In that case, our deficit would actually be a lot higher than it is today because that is what happens during a depression.

Let's remember what was in the Recovery Act. Roughly one-third went to State governments, roughly one-third went to tax cuts for 95 percent of Americans, and roughly one-third went for infrastructure. Many of these projects are now coming online.

I travel all over my State, and I talk to mayors and city planners and county commissioners—as I know the Presiding Officer does in his State of Alaska—and I talk to small business owners. Usually, I don't know, nor do I particularly care, which political party they belong to. Almost invariably they thank me for stimulus funds that financed the repair of an aging wastewater plant or some officers or teachers or funding for worker training or a home foreclosure counseling program that prevented homes from going into foreclosure, saving their communities money. Yes, local and State Republican officeholders and small businessmen thank me for the Recovery Act, a lot, and I wasn't even here to vote for it. Still, they thank me. And you know what. After they thank me, they say: More. They ask for more.

We have an economic crisis on our hands. Congress should be making investments that provide the highest returns on investment that can be at the same time stimulative to our economy. Now is not the time to stop investing. Short-term shocks to the system will impair our economic recovery. We should simultaneously be looking for long-term budgetary solutions while continuing to invest in our recovering economy. These are not incompatible. In fact, I believe it is necessary to do both.

If we don't, we risk seeing a repeat of what happened in 1937. Our country had been making great strides toward a full economic recovery. Production was up, wages were up, unemployment had come down from over 25 percent when Roosevelt took office to 14 percent in 1937. So after his landslide election in 1936, President Roosevelt, upon the advice of his Treasury Secretary, declared the depression over.

His Treasury Secretary, Henry Morganthau, was getting uneasy about the long stream of deficits they had been running. To reverse course, they cut Federal recovery program spending and raised taxes. This decision proved to be premature. The economy's impressive growth rate of the previous 4 years—it grew 11 percent in 1934, 9 percent in 1935, 13 percent in 1936, 5 percent in 1937—came to a screeching halt, and the economy took another dive. The unemployment rolls increased by 5 million people, up to 19 percent. The economy shrank by 3.4 percent in 1938, and the country's remaining economic indicators remained low until the beginning of World War II.

We shouldn't make the same mistake twice. We should continue investing in our future instead. But some colleagues are skeptical of this approach and talk about the United States as if we were Greece.

Let me be clear: We are not Greece. If we were to take a look at interest rates on the U.S. Treasury bonds, we would see that a 10-year Treasury bond is yielding just about 3 percent in interest. That is the market's pricing. If the market really thought U.S. Treasurys were risky, the market would demand more than 3.09 percent interest on a 10-year Treasury.

The market says we are not Greece. Yet the threat from taking some of the measures Greece has recently taken is very real. Cutting back on spending now will jeopardize our economy and could push us into a double-dip recession. That would drive up unemployment even more, drive small businesses under, and stop us from growing out of the deficits we all want to eliminate.

Growing our economy is how we have come out of far worse deficits in the past. At the end of World War II, our budget deficits had reached over 30 percent of our GDP, but we grew out of it. Today, it is just over 10 percent of our GDP. After World War II, the publicly held debt was 109 percent of GDP, compared to OMB's projection that we will be at 64 percent by the end of this year. We grew ourselves out of it, and we can do it again.

Destimulating our economy at this fragile moment is simply not wise. Don't take my word for it. Burton Malkiel, a member of President Ford's Council of Economic Advisers, said in 2003:

> If there is any time in which one ought to have a deficit it is a time where there is economic slack and a job market that is not recovering.

Manuel Johnson, one of President Reagan's Assistant Treasury Secretaries, said he didn't think short-term deficits have much to do with the economy's performance. And Reagan's Chief Economic Adviser, Martin Feldstein, who was also one of our most distinguished conservative academics, was one of the strongest voices for robust stimulus legislation last year.

Let's keep going. Michael Boskin, adviser to President George H.W. Bush, said:

> The notion that deficits are bad is way too narrow. Deficits can be a serious problem over the medium and long term. There are times it is good to see the deficit worsen or the surplus turn into a deficit.

And he means those times—he means during an economic downturn.

The chair of President George W. Bush's Council of Economic Advisers, Gregory Mankiw, said:

> It is a textbook principle of prudent fiscal policy that deficits are an appropriate response in times of war and recession.

Earlier, I mentioned one of Senator MCCAIN's campaign advisers, Mark Zandi. He said that it is typical to run large deficits during a recession and the true problem is persistent large deficits.

To my colleagues who refuse to enact anything that adds a penny to the deficit, what else can I say to convince you? Short-term deficits during a recession are acceptable. In fact, many of the conservative economists advising Republican Presidents or Presidential candidates have said they are prudent and even good. When we distinguish between short- and long-term deficits, we start to paint a very different picture.

I don't want anyone to hear me as saying we should just spend, spend, spend. Everyone agrees we are on a track that is unsustainable. Without significant changes to policy, the Center on Policy and Budget Priorities projects that our national debt could grow to 300 percent of GDP over the next 40 years. That is almost three times as large as the post-World War II level. The problem must be addressed with a careful, measured, and multifaceted approach, the same approach that balanced our budget just 10 years ago.

As you can see, here in 2000 we were running a surplus of $200 billion and we were headed down the path to eliminating completely the publicly held debt. In fact, our debt could have been paid off today, by today, if no changes had been made to Federal spending policy. But President Bush and Congress did make changes when they took over in 2001, such as passing massive tax cuts for the wealthy. As a result, our national debt more than doubled under President Bush.

In January 2009, when President Obama was just taking office, CBO estimated that he was left with a $1.2 trillion deficit for the fiscal year and the residual effects of ill-advised economic policies.

Let's take a look at this chart which shows our current 10-year budget outlook. As you can see, the Center on Budget and Policy Priorities projects there will be five major contributors to the deficit in 2019. The one that is obviously least under our control is the economic downturn. It is the red. Then there are the wars in Iraq and Afghanistan. That is the green. That proportion is pretty substantial. But here is this little blue, kind of turquois line. That little thing is the Recovery Act. This is legislation that is targeted over and over for being such a huge contributor to our deficit. This sliver is what so many of our colleagues complain about, that one. Most of its contribution to the deficit is clustered right here in the first 2 years when the economy most needed a boost, but its longer term budget effects are tiny when compared to its effectiveness in keeping us from falling into another Great Depression. And when compared to this yellowish-orange block, the block responsible for over $7 trillion in debt over this 10-year period, these are the Bush-era tax cuts which were passed without being paid for. This block is the result of an experiment in economic theory. I think the record is clear that the experiment failed. But no matter what you think of the effect of that policy choice on our economy, you cannot deny the effect of that policy choice on our deficit because here it is, in yellowish-orange.

So when my colleagues come down here to rail against the Recovery Act, to blame the Recovery Act for increasing the deficit, I guess it can be technically accurate—a little bit of the blame, this much, maybe a centimeter, that goes to the Recovery Act, even though it very possibly kept us from slipping into a second Great Depression, in which case deficits would have been much larger. But I also want the American people to have a sense of how much of the blame should go to the Recovery Act and how much of it belongs elsewhere, and I think you see it.

This chart gives you a good idea of where all the debt came from. As you can see, the debt accelerates upward with President Reagan and President George H.W. Bush. It smooths out under Bill Clinton. And then it spikes, it skyrockets under George W. Bush, as I mentioned before. President Obama was left with a projected $1.2 trillion deficit in his first year in office. However, even though this massive debt was handed over to us by our last President, it does not diminish our responsibility to address it.

I am glad to see that so many of my colleagues also appreciate the seriousness of this responsibility and some are proposing commonsense solutions to bring these long-term deficits under control. We took a major step earlier this year by passing comprehensive health care reform. Health care costs were the No. 1 factor contributing to long-term government deficits. The cost curve on those were out of control. Under previous policies, the costs of Medicare and Medicaid would have gobbled up a third of the total Federal budget by 2030. But health care reform included reforms such as the value index that will finally provide incentives for providing high-quality care at a lower cost, as we do in Minnesota, instead of providing the most expensive care possible without regard to outcomes.

This legislation alone will have an enormous impact on the long-term deficit. The CBO estimates it will bring down the deficit by $143 billion in the first 10 years and even more in the following decade. That is hundreds of billions of dollars, and that doesn't even include the reduction of private costs to families that will result from the improvements in the overall efficiency in our health care system. These are CBO numbers, the same CBO whose numbers I quoted earlier about the alarming size of projected future deficits if we take no action; the exact same alarming numbers my friends on the other side of the aisle quoted. They are quoting CBO. If you want to rely on those CBO numbers, then CBO numbers are what we must rely on to score health reform.

I strongly support the health care reform bill we passed and am optimistic about the positive changes it will bring to the lives of millions of Americans, including bringing down our deficit.

Let's look at our tax policy. As recently as 1980, the top bracket for the very wealthy in this country was 70 percent, and for two decades prior to that, the wealthiest Americans had income tax rates between 70 and 90-some percent. Today, it is 35 percent. These declining rates on the wealthiest Americans mean that more tax revenue is coming from middle-income earners. This is during a period when the gap between those at the top and those in the middle has grown substantially.

On top of that, we have allowed the estate tax to expire completely in 2010. This is a tax that affects less than one-half of 1 percent of all Americans. My colleagues across the aisle will argue that the estate tax punishes the most productive members of our society, the children of the extremely wealthy. This gift to our most fortunate sons and daughters cost the rest of us $14 billion this year alone. That tab for that $14 billion in lost revenues from America's multimillionaires and billionaires will be passed to all of our kids—not just the $14 billion but the interest on it as well.

I think Teddy Roosevelt put it the best. He said:

> The man of great wealth owes a particular obligation to the state because he derives special advantages from the mere existence of government.

Those who want to eliminate the estate tax understandably don't put the children of the incredibly wealthy in their campaign literature. Instead, they talk about family farmers, as if family farms have been lost to the estate tax. Yet according to the New York Times, the American Farm Bureau Federation was unable to name one family farm lost because of the estate tax.

Opponents of the tax insinuate that it is impossible to design a policy that continues to protect the family farms that might be even slightly affected. Yet it is, of course, quite possible to do that. I cosponsored a reasonable approach to estate tax reform offered by Senator SANDERS, HARKIN, and WHITEHOUSE. It retains the 2009 exemption limits—$3.5 million per person and $7 million per couple—with a progressive, tiered structure so that the ultrawealthy pay more. And, yes, it makes provisions for family farms.

This proposal will help ease the burden of middle-class families who are now expected to close the budget gap.

Working families are also on the hook for the corporate welfare that is compounding the national debt. Our tax system is riddled with loopholes so corporations can escape liability by shifting operations overseas. In fact, corporations are often actually rewarded for sending jobs overseas by our tax system. That has to stop.

There is something even more offensive. If BP is taken to court because of their negligence in this oilspill and a judge finds they owe punitive damages, those punitive damages can be deducted as a business expense. Why do we allow these oil giants that earned hundreds of billions of dollars in profits in the past decade to deduct punitive damages from the taxes they should pay? And that is if they pay taxes at all. ExxonMobil did not pay any taxes last year. Despite its $45 billion profit, it paid no income tax.

I do not bring this up to inspire anger at corporations. I bring it up because these loopholes and allowances create revenue shortfalls. Revenue shortfalls equal deficits, unless they are shifted onto the backs of middle-class families.

But we would be remiss to go after these big oil companies without also tackling our own spending problems. Secretary Gates has led the way in explaining how we can, and must, achieve savings in the defense budget. While nothing is more important than the defense of our Nation, national security is not well-served by unnecessary, incredibly expensive weapons programs. Nor are we well-served by programs that come in late, and way over budget.

Secretary of Defense Gates recently quoted his predecessor, Secretary Rumsfeld, who said it best: ''A person employed in a redundant task is one who could be countering terrorism or nuclear proliferation. Every dollar squandered on waste is one denied to the warfighter.'' That was Secretary Rumsfeld on September 10, 2001.

Our national security priorities must be matched to our real defense priorities in the 21 century, not dictated by expensive weapons systems that are only benefiting the bottom line of big defense contractors.

These are all things that we can do to bring down long-term deficits.

We urgently need bipartisan solutions. One idea that I have supported, a deficit reduction commission, was proposed by Senators CONRAD and GREGG. This commission would make recommendations that would then come up for an up-or-down vote by Congress. That proposal failed, despite its broad bipartisan support. The commission was ultimately supported by more on this side of the aisle than by those across it, including those who cosponsored the original bill and then voted against it when it came up as an amendment. I am curious what changes could be made to such a proposal for it to attract more support. I welcome working with my colleagues across the aisle to find such an approach.

We are all agreed that the current path forward is unsustainable. But we differ on what changes need to be made. It is economically unsound, and potentially dangerous, to require that all spending be offset while we are still recovering from a recession, reeling from nearly 10 percent unemployment rates, and looking for ways to temper the jobs deficit of 12 million workers.

We are putting our economy back at risk just when it is finally turning a corner. Nobel Prize-winning economist Joseph Stiglitz has warned that the upcoming phase-out of Recovery Act spending and State and local spending cutbacks are likely to exert further downward pressure on the economy.

Our working and middle classes are still struggling, and they continue to need our help. We can help them by extending unemployment insurance and COBRA subsidies for those who lost a job through no fault of their own. We can retain vital nutrition assistance programs in the Recovery Act to make sure kids do not go hungry. And we can make investments in renewing our Nation's infrastructure.

These are not government hand-outs, these are the most effective ways to get our economy going again and contributing to our economic recovery. Without these measures, we risk slipping back into a recession. And as I have noted, recessions directly contribute to long-term deficits.

I encourage my colleagues to join with me in standing up to the rhetoric that all spending is created equal. I encourage my colleagues to show compassion toward those still out of work. I encourage my colleagues to support spending programs that will help us emerge from this downturn. And I encourage my colleagues to join forces in coming up with new ways to tackle our long-term deficits because they matter.

We face enormous economic problems: the short-term economic crisis and the long-term deficit. But we also face a seemingly intractable political problem. As long as this body refuses to face up to the simple facts about where our deficits came from and what we need to do to solve them, as long as we turn a blind eye to the simple facts about what will get us out of this major downturn we will be unable to reach the solutions demanded by these problems and deserved by the American people.

Simply put, if we do not face facts, we can not do our jobs. And that would leave this country in serious trouble.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

## FINANCIAL REGULATORY REFORM

Mr. LEVIN. Mr. President, roughly 2 years ago, our Nation suffered a catastrophe. It was not a hurricane or an earthquake. It was no act of God. It was a man-made disaster, manufactured in the boiler rooms of unscrupulous mortgage lenders and the offices of pay-for-hire credit rating agencies, in the headquarters of sluggish regulators, and then vastly expanded in its negative impact in the boardrooms of Wall Street financial firms.

The financial crisis they all helped create has cost millions of Americans their jobs, their homes, and their financial security. It has endangered businesses large and small. It continues to weigh down our economy today. It required trillions of dollars of government aid just to keep the crisis from sliding into a depression.

Addressing the causes of this crisis, in an effort to ensure that it is not repeated, is our very serious obligation. We now have before us, months in the making, something that constitutes our best efforts to carry out that obligation. The legislation before us contains many important provisions.

But it is, in sum, an attempt to build a firewall between the worst high-risk excesses of Wall Street on the one hand and the jobs and homes and futures of ordinary Americans on the other. I strongly support the Dodd-Frank bill and encourage our colleagues to do the same.

Senator DODD spoke at some length a few minutes ago about this bill. He said that he cannot legislate integrity, wisdom, passion, or competency. That is surely true. But without Senator DODD's integrity, wisdom, passion, and competency, we would not be where we are today, on the threshold of making a generationally important reform of the financial community.

Senator DODD made reference to the Permanent Subcommittee on Investigations, and the investigations which we held into the financial crisis. I have seen up close and personal and in detail the worst of those excesses. Our colleagues on the subcommittee, including my ranking member, Senator COBURN, my very active member on that subcommittee, Senator KAUFMAN, and others, we saw these excesses in four different hearings.

For over almost a year and a half, our subcommittee devoted our resources to examining some of the causes and consequences of the financial crisis. We issued dozens of subpoenas. We examined millions of pages of documents. We conducted over 100 interviews. We took more than 30 hours of testimony during those four public hearings.

Those hearings focused on the practices of risky mortgage lenders, using Washington Mutual, WaMu, as a case history. We focused in the second hearing on the failures of the regulators to rein in WaMu's risky practices, in a third hearing on the inaccurate risk assessments of credit rating agencies, and then in the fourth hearing on the egregious practices of some Wall Street investment banks using, as a case history, Goldman Sachs.

In each of those hearings, we learned important facts about how the financial industry and those tasked with

overseeing it failed in their obligations, plunging the Nation into crisis and a deep recession. I want to set out how the legislation before us addresses many of the lessons we learned in the subcommittee's investigation.

Our hearings began with a case study of Washington Mutual Bank, a $300 billion Seattle-based thrift, that, thanks to its reckless lending, became the largest bank failure in America's history. In the pursuit of higher and higher profits, WaMu's management turned its focus from traditional mortgage lending to high-risk subprime and adjustable-rate mortgage loans.

In doing so, it engaged in practices that endangered the bank, its borrowers, and the economy at large. It sold loans to borrowers that it knew or should have known would be unable to repay. It paid its salespeople more if they sold higher risk loans, with higher interest rates or other terms that made them more difficult to repay.

Internal audits repeatedly found high levels of fraud and abuse in the bank's loans. But business continued as usual. WaMu then dumped these risky loans into the financial system, selling them or packaging them into mortgage-backed securities that Wall Street eagerly scooped up, flooding the stream of commerce with toxic assets like a polluter dumping poison into a river.

WaMu collapsed in 2008, leaving behind a trail of shattered homeowners and investors. Its case history was emblematic of a whole host of irresponsible mortgage lenders that loaded up our mortgage markets with toxic securities.

The legislation before us does much to address these problems. A consumer financial protection bureau will bring new scrutiny to the practices of financial companies, providing important oversight that can end the kind of abusive and even fraudulent practices used by WaMu and other mortgage lenders.

Other provisions will require those who create mortgage-backed securities, such as WaMu, and the investment banks it used, to retain a portion of the risk of securities that are backed by those high-risk loans, such as subprime mortgages or option ARMs so that securitizers will not be able to offload all that risk onto the market and walk away from the losses that occur down the road.

Still another set of provisions in this bill ban so-called liar loans, which allowed WaMu and others to sell loans without any documentation of a borrower's income or ability to repay.

The bill also prohibits the practice of paying salespeople more for gouging homeowners with higher rates or other terms that make loans harder to repay. Each of those reforms addresses critical problems exposed in our subcommittee's hearings, which helped to build the legislative history supporting the need for this bill.

Most of the reforms also require implementing regulations. I hope that those writing the regulations will pay heed to the problems uncovered in our hearings and take the steps needed to protect our mortgage markets from future abuses.

WaMu might not have been able to engage in its worst practices for as long as it did had it been confronted by Federal regulators. Instead, our investigation found that the Office of Thrift Supervision, WaMu's primary regulators, was more a lapdog than a watchdog. Repeatedly its examiners identified enormous problems with the bank's lending and securitization operation. Yet higher-ups in the Office of Thrift Supervision failed to take appropriate action. When the Federal Deposit Insurance Corporation sought to address the obvious problems in WaMu, the Office of Thrift Supervision, OTS, erected roadblocks that prevented action.

Documents show that the head of OTS referred to Washington Mutual as their agency's constituent, perhaps reflecting an awareness that the country's largest thrift was also the OTS's largest single source of funding.

I am also afraid that comment calling Washington Mutual a constituent of its regulatory agency also ignored the obligation that should result from an agency being a fiduciary whose constituents are not the people they regulate but are the people of the United States of America.

Clearly, OTS has outlived its usefulness, and the legislation before us dissolves the OTS. In addition, a new Financial Stability Oversight Council will have broad authority to monitor individual financial institutions as well as the system at large to catch problem institutions such as WaMu and problematic practices such as high risk lending before they endanger the financial system as a whole.

Credit-rating agencies also failed their essential role in this crisis. Our investigation found these agencies, which supposedly supply expert and objective analysis of credit risk, used faulty risk models and assigned super-safe AAA ratings to products later revealed to be little better than junk. Paid by the Wall Street firms whose products they were supposed to objectively assess, they sought market share by working with these firms to ensure the high ratings needed to sell risky products to risk-averse investors such as pension funds and university endowments. They failed to account for overwhelming evidence that fraud was a major factor in a growing number of mortgage loans.

The Dodd-Frank bill sets up a new office in the Securities and Exchange Commission to oversee and examine the work of the credit-rating agencies. I pay tribute, by the way, to Senator FRANKEN for the work he did in this area in the amendment he offered to the Senate. The Dodd-Frank bill requires the agencies to disclose their methodology and their track records. It allows investors to file private causes of action against such agencies that fail to thoroughly investigate products they rate.

The bill also tasks the SEC with examining the clear conflict of interest involved in Wall Street firms shopping for the highest rating among the various rating agencies. I am hopeful, at the end of the study, the SEC will adopt the approach taken in the Franken amendment that won bipartisan support in the Senate, and establish an intermediary that will separate the credit-rating firms from the investment banks that press them for high ratings in return for lucrative compensation. As part of their work, I hope the SEC will take an in-depth look at the documents and testimony in our subcommittee hearings that laid bear the conflicts of interest that undermine the accuracy of credit ratings.

Wall Street investment banks also played the major role in the crisis. Seeking ever higher profits, they aggressively marketed the mortgage-backed securities and exotic derivatives tied to the mortgage market that were at the heart of the crisis. Increasingly, those banks drew their profits not from helping client investors prosper but by trading for their own accounts, often in direct conflict with their clients' interests. Internal e-mails that the subcommittee disclosed showed Goldman Sachs repeatedly marketed mortgage-related financial instruments that it created and knew to be faulty, junk, and worse. After it did so, it then made the large bets against those very same instruments. Our investigation also showed Goldman Sachs made a large bet that the mortgage market as a whole was headed down, a bet it denies to this very day that it made, despite a mountain of evidence contained in the firm's own documents that it did so.

With Senator MERKLEY, I worked to address the outrageous conflicts of interest revealed in our hearings on investment banks. The Dodd-Frank bill makes important progress on this front. It sharply limits the risky proprietary trading that Goldman Sachs and other Wall Street firms used to rack up enormous profits while endangering the stability of the financial system.

While I wish the bill was more forceful in limiting these risky trades, especially in terms of limiting financial firm investments in hedge funds and private equity funds, the language in this bill will add substantial strength to the stability of the financial system.

In addition, the bill includes language to end the conflicts of interest revealed in our investigation of Goldman Sachs. No longer will financial firms be able to package and sell asset-backed products to investors and then bet against those same products. Those conflicts of interest will end, unless the regulators water down our strong language with weak enforcement.

The Dodd-Frank bill contains other much needed measures as well. It will

bring new transparency and accountability to the shadowy market in derivatives. It will protect taxpayers from the need to engage in the kind of multibillion-dollar bailouts required in the current crisis by allowing for an orderly resolution of failing financial firms. It empowers regulators to establish tough new capital requirements that make it harder for firms to become so big they endanger the stability of the system. It requires hedge funds to register with the SEC and provide information about their once-hidden operations. It also strengthens the process for shareholders to select corporate directors and to limit excessive executive pay.

We have seen all too clearly the consequences of lax regulation and tepid oversight, the consequences of assuming that Wall Street can police itself. That attitude has put millions of Americans in unemployment lines, has plastered foreclosure signs on millions of American homes, and has pumped billions of dollars of taxpayer money into Wall Street firms that happily profited from their risky bets and then leaned on the rest of us to bail them out when the bill came due.

I say to those colleagues who are considering voting against this bill: Knowing what our investigation and others have discovered, how can you oppose this effort to erect a wall between Wall Street's never-ending appetite for reckless risk and the rest of the American economy?

It is time to put the cop back on the beat on Wall Street. It is time to end Wall Street's ''heads we win, tails you lose'' game. It is time to prevent as best we can the next manmade disaster threatening our jobs, our homes, and our businesses. It is time to pass this major financial reform legislation, and I hope we will see a strong vote for it in the day ahead.

## PAKISTAN AND AFGHANISTAN TRIP

Mr. LEVIN. Mr. President, I rise to speak about a trip Senator JACK REED and I recently took to Pakistan and Afghanistan. In Pakistan, we met with the Prime Minister, the Governor of the critical northern province that includes the Swat Valley, the Pakistani general who is commander of their Army's 11th Corps. In Afghanistan, we met in Kabul with General Petraeus, with Ambassador Eikenberry, with President Karzai, with many of his ministers.

Then, in Afghanistan, we traveled to Kandahar Province, where we met with General Carter, who is the commander of the ISAF forces, the Kandahar Governor and the city mayor of Kandahar. Then we met with the commander of the Afghan Army's 205th Corps, Major General Zazai.

One of the key things we saw, and something which is critically important to the success of this mission in Afghanistan, is that the Afghan Army be strengthened, take responsibility, primarily, for the security of the country, and lead operations which are joint operations between the Afghan Army and the coalition forces, including American forces.

That will be dramatized, that movement towards the shift of responsibility to the Afghans, where it belongs. A dramatic moment is going to take place later in July or early in August when, in a major operation in the area around Kandahar city, right in the heart of Taliban country, there is going to be a large number of forces that are Afghan forces, a large number of American forces, and from other countries, and it will be the Afghans who will be in the lead in that operation.

This is the Taliban's worst nightmare: facing an Afghan-led force that is going to clear them from control of the area. The Afghan people detest the Taliban, and they respect their own army. And our major goal and mission should be to build up that army, strengthen it sizewise and with equipment and training so it can take major security responsibility for that country. This is the path to success in Afghanistan.

Again, because of this planned operation, which is now announced, and because of a number of other steps which have been taken—a very significant number of positive steps in the last 6 months—I have some confidence we are on the way to a successful outcome in Afghanistan.

Afghanistan has made progress in a number of ways since my visit there in January.

The progress I refer to is toward the key goal of preventing Afghanistan from being dominated by a Taliban organization that would once again provide a haven for the international terrorist movement, al-Qaida.

To achieve that goal, Afghanistan must be able to take principal responsibility for its own security. We and other outsiders cannot secure Afghanistan, but we can help the Afghan security forces do so.

The building blocks to achieve that goal are present. The Afghan National Army, ANA, is respected by the people and the Taliban is despised and feared because of the terror they spread and threaten.

A capable, strong, large Afghan Army is the Taliban's worst nightmare because it means that the Taliban's propaganda that foreigners seek to dominate Afghanistan rings hollow. This is particularly true when Afghan troops are in the lead in joint operations with the troops of ISAF.

That is why I believed we should have focused on training and equipping the ANA, why we should have sent in trainers and mentors instead of sending in more combat troops. That is why when President Obama decided to send in 30,000 more U.S. troops, I strongly supported the decision to begin to reduce those troops in July of 2011. That date is the action-driving mechanism to demonstrate to the Afghans the urgency of acting to get their army up to the size and capability where they can succeed in the mission so vital to them and to us—securing their country against the Taliban.

A number of steps have been taken in the last 6 months toward achieving that goal.

First, recruitment for the ANA is up, partly because, according to General Caldwell, who leads the ISAF training mission, the announcement of the July 2011 date last December incentivized the Afghan leaders to act to stimulate recruitment.

Second, the Afghan army has grown very quickly, exceeding the goals. Last December the army had 100,000 men; by May the number was 125,000; and Minister of Defense Wardak said he expects to announce that the end of September 2010 goal of 134,000 will be met by the time of the Kabul conference in late July.

Third, the ratio of ISAF forces to Afghan forces is improving in terms of Afghans becoming numerically dominant. When I was with our marines in Helmand Province in January, there were two or three marines for each Afghan soldier. In Kandahar Province, where Senator REED and I visited last week, the ratio is about one to one and by September it will be predominantly Afghan.

Fourth, the partnering in the field between the ANA and ISAF is real. Every Afghan unit from battalion down to company level is now planning and operating together with ISAF units. This has the twin benefits of training Afghan troops and having the Afghan people see that it is their respected army that they want to provide the security which is doing that, rather than foreign troops which have less understanding of their culture and will someday leave.

Fifth, and central to the success of the mission of Afghans being principal providers of security, is the fact that Afghan troops are more and more in the lead in joint operations. A highly significant event will take place at the end of July and early August. A major joint ANA-ISAF operation will move into the Taliban heartland of the Arghandab Valley, just west of Kandahar city. Approximately 10,000 troops—the Afghan 205th Corps with 5,160 soldiers and ISAF with 4,430 soldiers—will clear the area of insurgents.

The planning is complete and the orders signed. It is a major, incredibly important effort and, of great significance, the Afghans will be in the lead.

The significance of this will not be lost on the Afghan people, nor on the Taliban.

Kandahar Province is where the Taliban movement was born. Months of effort have been extended to ''shape'' the upcoming effort. The city of Kandahar and its environs are being secured at the cost of many lives—both Afghan and coalition forces—so as to

prevent additional insurgents from reinforcing the Arghandab region.

This will not be just a clearing operation.

It will be a clear and hold operation, with Afghan National Police, ANP, and the Afghan National Civil Order Police, ANCOP, doing the holding with the Afghan National Army and coalition military police.

As the Commandant of the Marine Corps, General Conway, said:

> To have American Marines standing on a corner in a key village isn't nearly as effective as having an Afghan policeman or Afghan soldier.

The key to success of a counterinsurgency effort, which is aimed at protecting the people, is winning the support of those people. A significant sign of progress in this respect is that the tips needed about the whereabouts of the Taliban, so essential to defeating them, are coming into the coalition in vastly increasing numbers. An ISAF Strategic Assessment report indicates that there has been increased reporting by local Afghans on the locations of IEDs and weapons caches, resulting in a higher ratio of finds/turn-ins to explosions.

Sixth, the equipping of the Afghan Army is beginning to happen. We authorized the transfer of equipment from Iraq to Afghanistan for the ANA instead of bringing all that equipment back to the United States. We learned that 800 of 1,600 up-armored humvees have arrived in Afghanistan and the rest will soon arrive.

There are other reasons for optimism. We met with the Governor of Kandahar Province and the mayor of the city of Kandahar. Their outspoken opposition to the Taliban and the warlords who have been in power and who recently assassinated the District Governor of Arghandab remains strong and resolute.

Those are some of the signs of progress, but it has come at great cost. We have lost almost 1,200 of our brave troops in Afghanistan, and many times that number wounded. The cost to our treasure has been high. The months ahead will see more casualties, almost all inflicted by IEDs. The strain on our extraordinary troops and their families and on the U.S. civilians in Afghanistan is great. Despite the stress, their morale is high, and regardless of whether one agrees with the mission in Afghanistan, those men and women deserve a tribute from all Americans. We stand in awe of them.

There are also significant threats to the Afghan mission.

The first threat emanates from Pakistan. While Pakistan has taken steps relatively recently to take on some terrorist groups, and has done so at a real cost to the Pakistan Army, they have not taken on a number of groups that use Pakistan as a safe haven, crossing the border into Afghanistan to attack Afghan and ISAF forces, or supplying and supporting those attacks and then returning to the Pakistan safe haven.

Two of those groups are the Haqqani network in the North Waziristan area of the federally administered tribal area, FATA, across the border from eastern Afghanistan, and the home of the Afghan Taliban in Quetta, just across the border from Kandahar.

The State Department maintains a list of foreign terrorist groups. The State Department has said it is currently considering adding the Pakistani Taliban to that list. In my view, the Haqqani network has also long belonged on that list. We would not tolerate such groups attacking us from a neighboring country. Pakistan's failure to attack them, knowing full well, as they do, the location of their headquarters in Miranshah and Quetta, is also intolerable.

A second threat to the success of our Afghan mission is the failure of the Afghan Government to provide noncorrupt, effective government to their people. This has been the subject of much concern. President Karzai's administration and international action on the civilian government side are beginning to stir into long overdue action.

The number of U.S. Government civilians in Afghanistan has tripled since 2009, with a greater percentage in the field outside Kabul.

A third threat to the success of the Afghan mission is the undiminished power of warlords and power brokers and the so-called private security contractors, paid with U.S. taxpayer dollars, who are engaged in bribes and perverse, blatant racketeering and rip-offs.

General Rodriguez, commander, International Security Assistance Force Joint Command and deputy commander, United States Forces—Afghanistan, is determined to protect our convoys from the warlords and their thugs who extort fees for safe passage and often collaborate with the Taliban to create the very threat of insecurity they presumably are hired to guard against.

The Afghan people hate and live in fear of the power brokers and warlords.

They corrupt the local police and are one reason why there is little public confidence in the local police.

Training of more and better local police and the expansion of the Afghan Civil Order Police, ANCOP, are hopeful signs. But the combination of warlords and power brokers operating in effective league with private security contractors, the Taliban, and an often corrupted local police, remain a significant threat to the Afghan mission's success.

The role of Afghan private security contractors, who often have devastating connections to our enemies and who rip off American tax payers, and who are facilitated by the failures of U.S. contractors to adequately vet and oversee their activities, will be the subject of a forthcoming report of a Senate Armed Services investigation.

Fourth, because success of the Afghan mission depends, probably more than anything else, on the rapid growth and capability of the one nationally respected institution, the ANA, the continuing failure of NATO allies to fill the shortfall of perhaps 2,000 trainers for partnering in the field with Afghan Army and police, so-called operational mentoring and liaison teams, OMLTs, and police operational mentoring and liaison teams, POMLTs, is inexcusable.

Many of our allies, notably the Brits, Canadians, Australians, Poles, Danes, and Georgians have been most admirable in their efforts. But too many NATO allies have failed to make commitments or carry out commitments so important to the success of the first NATO out-of-area combat mission. Continuing pressure on the laggard allies shouldn't be needed—but it is.

The success of the Afghan mission ultimately depends on a political settlement. An approach to the reintegration of those lower level insurgents who can be reintegrated, and the reconciliation with those groups that are not irreconcilable, is underway. The Afghan Government is leading that effort also, as, of course, it must. While our views and experiences in this regard are surely relevant, a brilliant British general leading the ISAF effort in Kandahar reminded us of what T.E. Lawrence said to the British over 100 years ago in a similar situation in a place that is not too far distant from Afghanistan:

> Do not try to do much with your own hands. Better (they) do it tolerably than you do it perfectly. It is their war and you are to help them, not to win it for them. Actually, also, under the very odd conditions (there), your practical work will not be as good as, perhaps, you think it is.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that on Thursday, July 15, following any leader time, the Senate then resume consideration of the conference report to accompany H.R. 4173, with the time until 11 a.m. equally divided and controlled between Senators DODD and SHELBY or their designees; with the 20 minutes prior to 11 a.m. divided as follows: 5 minutes each in the following order: Senators SHELBY, DODD, MCCONNELL, and REID; that at 11 a.m. the Senate proceed to vote on the motion to invoke cloture on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING SENATOR ROBERT C. BYRD

Ms. LANDRIEU. Mr. President, I rise today to honor the memory of one of the Senate's giants, Robert C. Byrd. My family and I were saddened to learn of his passing on Monday morning at the age of 92. I will remember Senator Byrd as a fierce defender of the Constitution, master of Senate procedure and a proud fighter for West Virginia and its rural heritage. Senator Byrd was more than just a colleague, he was a mentor. He taught me—and everyone who had the honor of serving with him—never to apologize for standing up for your State.

During more than a half century of service in Congress, Senator Byrd gave a voice to those who would not have been heard otherwise. There are times when it is easy to get caught up in the petty bickering and partisan squabbles that seem to be increasingly plaguing this chamber. But, we would all do well to follow the example Senator Byrd set for all of us during his legendary Senate career and never lose sight of the fact that we are sent here to fight for those in our home States and across the country who cannot fight for themselves.

Senator Byrd's work on behalf of his constituents is well known. West Virginians knew they could count on their senior Senator to come here to Washington and deliver for them. They were not alone. I will never forget how helpful Senator Byrd was to my State. Louisiana lost a true friend. Through storms and floods, Senator Byrd made sure that promises made to the gulf coast, particularly to Louisiana, were not broken. He kept an eye on the fair and just distribution of funds to Gulf Coast States, and I and everyone I represent will always be grateful for his dedication to our recovery.

One critical example is his effort to provide funding for Louisiana's Road Home program. Road Home, which is the largest single housing recovery program in U.S. history, was designed to provide compensation to Louisiana homeowners whose houses were destroyed by Hurricane Katrina or Rita. In late 2007, as Louisiana faced a daunting program shortfall, it was Senator Byrd who stepped up to help me secure $3 billion to keep this rebuilding program going.

A year later, Senator Byrd once again stood up for the people of Louisiana, when he worked with me to include $8.7 billion for gulf coast hurricane recovery and protection in the emergency supplemental spending bill for Iraq and Afghanistan. The funding provided for levees, criminal justice needs, health care and housing for low-income hurricane survivors.

Senator Byrd once said, ''The people of Louisiana have the strength and the spirit to rebuild their homes and their communities. We owe them the support to get the job done.'' He did not just pay lipservice to the gulf coast. He delivered for us time and again, because he understood the importance of standing up for those who were hit so hard by the tragic storms that battered the Louisiana coast.

Senator Byrd was not just a colleague who put his weight behind fighting for the gulf coast region. He was also a walking encyclopedia of Senate history, and he was always willing to impart his vast knowledge to anyone who wanted to learn about the legends that walked these halls for more than two centuries before us.

When I was first sworn in as a U.S. Senator, back in 1997, my entire family came to Washington for the event. After it was over, I asked Senator Byrd if he would give my family—both adults and children—a history lesson on the Senate. He graciously obliged, and for 2 full hours spoke eloquently and expertly on the history of this great body. His lecture left a lasting impression on every single member of the Landrieu family, and it is a memory we will always cherish.

Senator Byrd spoke with such passion about John C. Calhoun, Henry Clay, Daniel Webster, Rebecca Felton, Everett Dirksen and the many other historical figures who shaped the Senate. It is only appropriate that he will forever be mentioned in the same breath with these men and women he so truly admired. And, it makes me proud to have had the opportunity to serve with a man who left such an indelible mark on this Chamber.

As we reflect on Senator Byrd's remarkable life and career, our prayers are with the Byrd family. But we all take comfort in knowing that while he leaves behind one of his great loves—the Senate—he is finally going home to be with his greatest love—Erma.

Mr. ALEXANDER. Mr. President, Senator Pete Domenici from New Mexico served in this body for 36 years. During that time, he was the first Republican chairman of the Budget Committee and later chaired the Energy Committee where, more than almost anyone, he helped spur the revival of interest in nuclear energy. He was truly one of the most consequential senators of the last half century. As we mourn the loss of another very consequential Member of this Chamber, Senator Robert Byrd of West Virginia, I thought it was appropriate to share Senator Domenici's thoughts on the passing of Senator Byrd.

I ask unanimous consent that Senator Domenici's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PETE DOMENICI ON THE PASSING OF SENATOR ROBERT C. BYRD

I'm sorry I can't be at Senator Robert Byrd's memorial service in person because I'm celebrating the first family reunion with my eight children—and their children—from across the country. My wife will join me at this event, and I will be prevented from attending the ceremony for my great friend, Robert Byrd.

I worked with Senator Byrd for my entire 36 years in the Senate. Above all else, I found him a man that one could trust implicitly. He and I both served on the Senate Appropriations Committee for many years, where he was a strong advocate for his home state. He and I both supported local projects for our states and believed that 'earmarks' were not only legitimate, but part of the Senator's duty to his state.

When history is finally written of the United States Senate there is little doubt in my mind that he will go down as one of the greatest of all. He knew the rules and he played by them. He knew the issues and he fought for them. He understood America's greatness and he heralded it. But most of all, he seemed to always remember the working men and women of his state and this country. He will be missed. I must say thank you, Robert, for your friendship and all you did for me and all of us.

## FINANCIAL REGULATORY REFORM

Mr. VOINOVICH. Mr. President, I rise today to explain my opposition to the Restoring American Financial Stability Act. When the Senate first passed the bill in May, I opposed it and explained my reasons for doing so. At that time I hoped the House and Senate would make some changes to the bill during the conference committee to address the root causes of the financial crisis as well as scale back the overreaching powers granted to the new consumer protection bureau. Unfortunately, neither of these changes occurred, and I still believe the bill largely ignores the glaring, fundamental problems that led to our current fiscal catastrophe while increasing regulatory burdens on business when the economy is still struggling to recover. In addition, as Fareed Zakaria recently noted, the uncertainty created by this and other expansive legislation, such as health care reform and potentially cap and trade, is causing many businesses to refrain from new investments until they can understand the full implications of these measures.

As for this legislation, it is now clear that over the past decade or so, specific factors played a critical role in leading our Nation into the financial crisis that first arrested the credit markets in 2007, leading to the collapse of some of our largest financial services firms and a stock market crash in late 2008. The resulting events produced a widespread foreclosure crisis and a devastating recession with massive job loss and sustained record unemployment, all of which continue to be felt by families throughout Ohio and the Nation. In response, Congress has taken up legislation that purports to correct what went wrong and restore safety, soundness, and stability to our financial markets to foster recovery and fortify the foundation for a strong economy.

Why, then, do I oppose the passage of this legislation? Simply put, because it

does not get the job done. This legislation fails to address the causes of the financial crisis, while overreaching in its expanded regulation of businesses, large and small, throughout the economy. I voted to bring the bill to the Senate floor because I believed the American people wanted us to debate the issues that caused the financial collapse and bring forth legislation that would work to minimize the possibility of a future collapse, but this bill fails in too many respects.

First, the bill fails to address two primary causes of the financial meltdown, Fannie Mae and Freddie Mac, whose push to acquire subprime mortgages—spurred by Congress—helped produce a real estate bubble that burst and sent shockwaves across global financial markets, forcing the U.S. economy and other global economies into a tailspin. These now-government-owned institutions, which failed in the midst of the financial crisis, continue to drain taxpayers for billions of dollars. In May, Fannie and Freddie requested an additional $19 billion of taxpayer moneys to fund operations, bringing the total government assistance to roughly $145 billion, or an average of $7.6 billion per month. Moreover, the nonpartisan Congressional Budget Office recently estimated that over the next decade, Fannie and Freddie could cost taxpayers almost $400 billion. Yet these two giant, systemically risky institutions—whose bailouts far outsize any of those given to other financial institutions—are ignored in this legislation.

Second, at the heart of this financial crisis were residential home loans written to borrowers who did not have the ability to pay their mortgages. When these borrowers defaulted on a massive scale, widespread investment securities based on their mortgages lost significant value, sending investors panicking and retreating while portfolios collapsed and credit froze. These loans were made in large part because of poor underwriting standards and a failure by many lenders and brokers to ensure that buyers had the means to repay their loans. During the Senate debate on this legislation, my colleague, Senator BOB CORKER, offered a commonsense amendment to establish sound underwriting standards, including a minimum down payment, full documentation, and proof of income and ability of the borrower to pay the mortgage. Amazingly, my colleagues rejected this amendment, and thus virtually nothing in this legislation addresses this problem.

Third, the new consumer protection bureau created by this bill is too wide in its regulatory scope, and I believe it will saddle businesses with new, often unnecessary burdens. The bureau is granted authority to reach its tentacles like an octopus into various sectors of the economy, and pull businesses that were not part of the problem—including retailers, medical providers such as dentists, lawyers, advertising agencies, and even nonprofits—under new government regulation. Attempts by some of my colleagues to curtail the largely unchecked reach of this new regulator were mostly rejected.

Finally, new regulations related to over-the-counter derivatives fail to adequately protect businesses across Ohio and other States that use these risk management tools. I have heard from many businesses concerned that they could be forced to divert capital away from job-creating investments as a result of new clearing procedures in the legislation. They also complain that they may now be forced to use less customized derivative products, which would result in more—rather than less—risk. As businesses sideline more capital, they become less liquid; as they face more risk, they become less creditworthy, and in turn have less access to credit. I am fearful that these new regulatory burdens will serve primarily to slow any eventual economic recovery rather than address the underlying causes of the financial collapse. For example, uncertainty over these potential effects has created widespread concern among farmers in particular, who had nothing to do with the financial meltdown but could face consequences under the legislation.

In sum, the Restoring American Financial Stability Act fails to address the root causes of the problem and overreaches in its regulation. I am disappointed these concerns were not resolved during the conference committee, and thus I will not support the bill.

## ADDITIONAL STATEMENTS

### TRIBUTE TO COLONEL MICHAEL P. CRALL

• Mr. CASEY. Mr. President, today I honor Colonel Michael P. Crall for the exceptional service he has provided as commander of the Pittsburgh district, U.S. Army Corps of Engineers during the period from July 13, 2007, to July 16, 2010. My colleague from Pennsylvania, Senator SPECTER, has joined me to honor Colonel Crall.

On Friday, July 16, 2010 in Pittsburgh, Pennsylvania the U.S. Army Corps of Engineers Pittsburgh District military Change of Command ceremony will honor the services of the outgoing commander, Colonel Michael P. Crall, and welcome the incoming commander, Colonel William H. Graham.

Colonel Crall will leave a legacy of excellence. His leadership focused the district's capabilities on demonstrating the value of the Army Corps to the Pittsburgh region. His superb leadership and strong personal engagement strengthened relationships within local, State and Federal partnerships.

During his tenure as district commander, Colonel Crall superbly managed an annual operating budget in excess of $200 million which funded the planning, engineering, construction, operation, and maintenance of the Pittsburgh district's 23 locks and dams, and 16 reservoirs covering 26,000 square miles in a five-State area.

Colonel Crall's implementation of funding provided to the district through the American Recovery and Reinvestment Act shows that he is an effective steward of taxpayer dollars. The act provided over $140 million for the Pittsburgh district, almost doubling the district's annual budget. Under Colonel Crall's leadership, the district awarded contracts for projects to help reinvigorate the region's economy. These contracts have also assisted in improving the reliability of the some of the oldest facilities in the Corps.

Early in his tenure, he was faced with the challenge of a severe flash flooding event where he quickly directed available Corps authorities to provide emergency relief and offer immediate assistance. Colonel Crall's actions strengthened the Corps' partnership with local communities and reiterated the Corps value in the region. This event set the foundation for a tenure that focused on ensuring the safety of citizens of the region and a commitment to protecting their property. In addition, Colonel Crall's true compassion for the constituents impacted by this unfortunate event set the tone for his continued engagement in local flood reduction needs throughout the Pittsburgh district.

Throughout his time at the helm of the Pittsburgh district, Colonel Crall continued to stress the Army Corp's concern for maintaining and improving water quality. For instance, Colonel Crall recognized the effect of natural gas drilling on the Monongahela River and immediately took action to reduce any negative impact on public health and safety associated with this activity.

As a decorated military officer, Colonel Crall exemplified his devotion to our soldiers and country through his active role with the flight 93 Memorial. With a singular focus on overcoming unnecessary delays, he directed his team to work with the National Park Service to ensure that the Corps involvement in the memorial was timely and done with great care. Colonel Crall's efforts are helping to move the project in a positive direction. Simply stated, his personal involvement will help ensure that the sacrifices of the patriots aboard flight 93 will be appropriately memorialized.

Colonel Crall's excellent communication skills and collaborative approach greatly improved the district's image and reputation among the general public, stakeholders, and the workforce. Throughout his entire tour of duty, Colonel Crall's superb leadership and strong personal engagement was instrumental in demonstrating the value of the Pittsburgh district throughout

the Upper Ohio Valley. Colonel Crall's performance of duty reflects great credit upon himself, the Corps of Engineers, and the U.S. Army. We honor his service and wish him well in his future endeavors.●

## REMEMBERING BENJAMIN GORDON POWELL, JR.

● Ms. LANDRIEU. Mr. President, it is with great sadness that I come to the Senate floor today to reflect upon the passing of Benny Powell, Jr., an esteemed jazz trombonist from Louisiana. Louisiana and the Nation lost a musical icon on June 26 when Benny passed away, but he lives on in our memories and in the music that he created.

Born March 1, 1930, in New Orleans, LA, Benjamin Gordon Powell, Jr. first set his sights on the parade drum. At the time, his mother was working as a maid in the French Quarter and she played the piano. Thankfully, his mother quickly realized his enthusiasm for music and encouraged Benny to play the trombone. By the time he was 14, Benny had landed his first professional band gig. He was tremendously musically gifted, even from such a young age.

Benny has said of the trombone that he loved most how expressive the instrument was. In an interview with the Times-Picayune in 2001, he was quoted as saying that, ''It's like a voice. It can go from a whisper to a roar.''

Benny has performed from coast to coast with a variety of musical figures. In 1961, he played at President Kennedy's inauguration. He has recorded or performed with Frank Sinatra, Screamin' Jay Jawkins, Lionel Hampton, pianist Randy Weston, in Broadway pit bands, and for many years in the house band on ''The Merv Griffin Show.'' However, he is probably best known for playing with Count Basie from the early 1950s through the early 1960s. Since 1944, he taught at the New School for Jazz and Contemporary Music, passing along his gift to aspiring young musicians. I know younger generations were encouraged and inspired by his talents, strength and wisdom.

There is a deep rooted musical tradition in New Orleans that Benny's music exemplified by his clear passion and rich sound. We will miss his inspiring gift. As we reflect on his life and his contributions, our prayers are with his daughter, Demitra Powell Clay, his sister, Elizabeth Powell McCrowey, and his grandchildren, Faith and Kyle Swetnam. May we all find some solace in the part of Benny that continues to live on in his music.●

## RECOGNIZING GIRLS INC.

● Mrs. LINCOLN. Mr. President, today I congratulate Girls Inc. of Fort Smith, first place winners in the National Park Foundation's inaugural First Bloom program, in which fourth to sixth graders plan and grow native plants that help educate visitors in national parks across the U.S.

For more than a year, Girls Inc. has tended the ''officers' garden'' at the Fort Smith Historic Site, a part of the National Park Service. To blend in with the history and heritage of the site, the girls wear 1860s attire, complete with a dress, apron, and bonnet. The girls cultivate, plant, water and grow the garden in the way women and girls of that era would have, using plants and seeds that were available in the Civil War-era in Fort Smith. Because of the girls' dedicated efforts, the garden has expanded to twice its original size.

The officers' garden at the Fort Smith site was started 2½ years ago by park interpreter Keri Powers, who would explain to visitors the significance of having a garden for officers' wives, which not only provided food and medicine, but also was a social space for family and friends to gather.

Girls Inc. competed against students with projects in some of our Nation's most best-known national parks, such as Bryce Canyon in Utah and Glacier Bay in Alaska. Their hard work and perseverance paid off, and I know all Arkansans share my pride in their accomplishments.

As a part of their first place prize, the girls received an all-expenses paid trip to Washington. I was honored to meet with these young girls today, to hear more about their project and their experiences. While in Washington, the girls plan to meet with other members of Arkansas's congressional delegation, tour the National Mall, and visit the White House.

Girls Inc. of Fort Smith represents the best of Arkansas. Along with all Arkansans, I congratulate them for this tremendous achievement.●

## RECOGNIZING HARVEST OF HOPE

● Mrs. LINCOLN. Mr. President this week ''Harvest of Hope,'' a community organization in my home State of Arkansas, will send 40,000 pounds of rice to the Arkansas Rice Depot, marking a milestone in their donation efforts. The contribution will contain the millionth pound of rice the group has donated, which equals thousands of Arkansans who have received the vital sustenance and nutrition they need.

Harvest of Hope is comprised of community leaders from DeWitt, Batesville, and Malvern who cook and sell smoked meats and use the proceeds to buy rice for the Arkansas Rice Depot. Times are tough for many Arkansans, and I commend these communities for their dedication to helping those in need.

Each community hosts a ''Harvest of Hope'' event annually. DeWitt's Harvest of Hope occurred over the Fourth of July holiday. Batesville and Malvern will hold their Harvest of Hope events this Labor Day.

Hunger is an epidemic in Arkansas and across our Nation. In fact, Arkansas has the highest incidence of childhood hunger in the country. In my role as chairman of the Committee on Agriculture, Nutrition, and Forestry, I have fought to make strong improvements to our child nutrition programs that will put us on a path toward ending childhood hunger.

I commend the communities of DeWitt, Batesville, and Malvern for doing their part to help end hunger in our State. Along with my fellow Arkansans, I will continue my fight to ensure that Arkansans have access to the food and nutrition they need.●

## CONGRATULATING MISS ARKANSAS PAGEANT CONTESTANTS

● Mrs. LINCOLN. Mr. President, this week a time-honored tradition takes place in my home State of Arkansas.

For more than five decades, young women from across the State have gathered each year in Hot Springs to compete in the Miss Arkansas Pageant, the preliminary to the Miss America Pageant. These women represent the best of our State, and I am proud to see them work toward their personal and professional goals as they compete in this event.

Since 1938, the Miss Arkansas Pageant has sent a representative to the Miss America Pageant. In the early days, the Miss Arkansas Pageant was held in various cities across the State, including in my hometown of Helena. In 1957, the pageant moved to Hot Springs, Arkansas's ''Spa City,'' where it has taken place ever since.

This year, 44 contestants seek the title of Miss Arkansas, which will be determined Saturday evening. I wish them all the best as they strive to achieve their goals. I also congratulate Miss Arkansas 2009 Sarah Slocum for the work she has done over the past year representing our state and our Arkansas values. These young women speak well for the future of our state, and I am proud to call them fellow Arkansans.●

## TRIBUTE TO JEFF THEERMAN

● Mrs. McCASKILL. Mr. President, today I congratulate Mr. Jeff Theerman, executive director of the Metropolitan St. Louis Sewer District, MSD, on his election as the new president of the National Association of Clean Water Agencies, NACWA.

Mr. Theerman is an accomplished leader and committed environmental steward. He has dedicated his career to the improvement of the environment and public health in Missouri, and throughout the Nation. Without a doubt, he is ideally suited for this national leadership position with NACWA.

Mr. Theerman has served Missouri through his work at MSD for over 25 years. In October of 2003 he was named MSD's executive director, willingly and ably accepting accountability for all aspects of the utility's operations.

As MSD's executive director, Mr. Theerman leads one of the Nation's largest wastewater and stormwater management utilities, providing services to approximately 1.4 million people in the city of St. Louis and St. Louis County. Under his leadership, the MSD currently operates seven wastewater treatment facilities, treating an average of 330 million gallons of water per day and maintaining 9,649 miles of sewers.

Since joining others in founding NACWA 40 years ago, the Metropolitan St. Louis Sewer District has benefitted from its active engagement with the organization. A member of NACWA's board of directors since 2004, Mr. Theerman has served as the organization's secretary, treasurer, and vice president. It is fitting that his election as president coincides with the 40th anniversary of NACWA's advocacy on behalf of the Nation's clean water agencies—and the environment we all value so much.

Mr. Theerman is a great example of accountable and responsible leadership in my State. Under his able leadership, NACWA looks forward to proactively and effectively addressing the complex 21st century water quality challenges we face as a Nation.

On behalf of myself and the people of Missouri, it is my sincere pleasure to congratulate Jeff Theerman on his election as president of NACWA. I am certain his actions will ensure continued water quality progress for St. Louis, MO, and the Nation.●

## RECOGNIZING MATHEWS BROTHERS

● Ms. SNOWE. Mr. President, today I recognize one of the oldest continually operating businesses in my home State of Maine that has been truly successful at adapting to the changing times. Mathews Brothers has been manufacturing high quality windows and doors in the coastal town of Belfast for over 156 years, showing that resilience, innovation, and hard work can overcome even the worst economic downturns in American history. Currently employing more than 120 individuals, Mathews Brothers provides a prime example of how small businesses can weather economic downturns to emerge stronger time after time.

Mathews Brothers was founded in 1854 as a sawmill and millworks company by brothers Noah Merrill Mathews and Spencer Walcott Mathews. Throughout the years, the firm has set out to add a variety of different products to its repertoire, from blinds and shutters, to coffins and spiral staircases. Today, the company uses state-of-the-art equipment and materials to produce traditional wood, vinyl and contemporary composite windows and doors out of its three manufacturing plants in Belfast, Rockland, and Bangor.

As continual innovators, Mathews Brothers launched Dream Kitchen Studio in 2008 as a separate division providing windows, doors, and kitchens to businesses, homeowners, and contractors throughout the Midcoast region of Maine. Indeed, the company has been breaking barriers and achieving a host of accomplishments from its inception, including being the largest woman-owned business in Maine at the start of the 20th century, as well as building the *Jennie Flood Kreger*, the largest and only 5-masted schooner ever built in Belfast.

In recent years, Mathews Brothers has sought to improve its business model by cutting costs while maintaining quality. Toward this end, they recently completed a two month train-the-trainer lean manufacturing initiative with the Maine Manufacturing Extension Partnership that instructed 116 employees and helped save the company at least $75,000. In addition to this critical project, the company has sought to expand into overseas markets to sell its products, including participation in trade missions to Brazil, Korea, and Japan in the past several years.

Furthermore, Mathews Brothers maintains a strong commitment to our environment, as it recycles 100 percent of its scrap glass, vinyl, metal, paper, and cardboard from the manufacturing process. The company also uses a recycling glass washer, helping it save 67,000 gallons per month in water consumption. Leftover sawdust is sent to local farms for use as stall bedding, while scrap wood is sold off as kindling or firewood. The firm takes its role as steward of the land seriously through its membership in the Maine Chapter of the U.S. Green Building Council and the Maine Forest Products Council.

Mathews Brothers has also shown a continued commitment to its local community and actively encourages their employees to engage in community service activities. This commitment originated over a century ago in 1904 with then-President Orlando Frost's commitment to help start up the Waldo County General Hospital. Their employees still volunteer in the oncology department and eagerly participate in the hospital's annual fall oncology walk. Mathews Brothers' commitment to community service was on display again in 2007 when the company raised over $7,000 to purchase phone cards for soldiers from Maine deployed in Iraq.

Not surprisingly, Mathews Brothers has earned numerous awards for manufacturing and customer service excellence. The firm was recently awarded the Maine Manufacturing Extension Partnership's Manufacturing Excellence Award in June 2010. The award recognizes the company's success in achieving world-class manufacturing status and implementation of best manufacturing practices to stay ahead of the competition, all while maintaining a commitment to loyally serving its customers and assisting the community at large. The company has also received the Governor's Award for Business Excellence in 1994, and was chosen as the Belfast Area Chamber of Commerce's Business of the Year in 2007, among other distinctions.

While rising to the top of its field over the past century and a half, Mathews Brothers has never forgotten the community that helped it get there. Its consistent and enthusiastic endeavors to serve the community and its customers have not gone unnoticed, and I praise them for their efforts to modernize in the face of globalization, a process which has not been kind to American manufacturers. I thank everyone at Mathews Brothers for their philanthropic efforts and tremendous perseverance, and offer my best wishes for another 150 years of success.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3923. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

H.R. 3967. An act to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015.

H.R. 3989. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System.

H.R. 4438. An act to authorize the Secretary of the Interior to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes.

H.R. 4514. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes.

H.R. 4686. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

H.R. 4773. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

H.R. 4973. An act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 689) to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes.

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At 12:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 83. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

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At 2:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agreed to the amendments of the Senate to the bill (H.R. 4840) to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3967. An act to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

H.R. 4686. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 4773. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4973. An act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes; to the Committee on Environment and Public Works.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5618. An act to continue Federal unemployment programs.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3923. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3588. A bill to limit the moratorium on certain permitting and drilling activities issued by the Secretary of the Interior, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6602. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Homobrassinolide; Exemption from the Requirement of a Tolerance'' (FRL No. 8831–2) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6603. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetic Acid; Exemption from the Requirement of a Tolerance'' (FRL No. 8833–8) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6604. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Residues of Quaternary Ammonium Compounds, N–Alkyl (C12–14) Dimethyl Ethylbenzyl Ammonium Chloride; Exemption from the Requirement of a Tolerance'' (FRL No. 8833–2) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6605. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 8833–6) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6606. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyazofamid; Pesticide Tolerances'' (FRL No. 8833–1) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6607. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Castor Oil, Ethoxylated, Oleate; Tolerance Exemption'' (FRL No. 8834–4) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6608. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act in connection with a fiscal year 2009 health care facilities construction project in Nome, Alaska; to the Committee on Appropriations.

EC–6609. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stanley A. McChrystal, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6610. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (4) officers authorized to wear the insignia of the grade of major general and brigadier general, as appropriate, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6611. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled ''Better Planning for Defense-to-State Transition in Iraq Needed to Avoid Mistakes and Waste''; to the Committee on Armed Services.

EC–6612. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on July 13, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6613. A communication from the Paperwork Clearance Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unfair or Deceptive Acts or Practices; Amendment'' (RIN1550–AC38) received in the Office of the President of the Senate on July 13, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6614. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report to Congress on Dedicated Ethanol Pipeline Feasibility''; to the Committee on Energy and Natural Resources.

EC–6615. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Reopening of Comment Period'' (FRL No. 8836–1) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Environment and Public Works.

EC–6616. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Deadline for Action on Section 126 Petition from New Jersey'' (FRL No. 9174–5) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Environment and Public Works.

EC–6617. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and South Coast Air Quality Management District'' (FRL No. 9172–3) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Environment and Public Works.

EC–6618. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Terpene Constituents of the Extract of Chenopodium ambrosioides near ambrosioides (a-Terpinene, d-Limonene and p-Cymene) as Synthetically Manufactured; Exemption from the Requirement of a Tolerance'' (FRL No. 8831–4) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Environment and Public Works.

EC–6619. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of the Manitowoc County and Door County Areas to Attainment for Ozone'' (FRL No. 9172–9) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Environment and Public Works.

EC–6620. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Flexible Permits'' (FRL No. 9174–1) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Environment and Public Works.

EC–6621. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills'' (FRL No. 9171–1) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Environment and Public Works.

EC–6622. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Clean Watersheds Needs Survey 2008 Report to Congress''; to the Committee on Environment and Public Works.

EC–6623. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Abnormal Occurrences: Fiscal Year 2009''; to the Committee on Environment and Public Works.

EC–6624. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice No. 2010–52) received in the Office of the President of the Senate on July 13, 2010; to the Committee on Finance.

EC–6625. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Excise Taxes on Prohibited Tax Shelter Transactions and Related Disclosure Requirements; Disclosure Requirements with Respect to Prohibited Tax Shelter Transactions; Requirement of Return and Time for Filing'' ((TD 9492) (RIN1545–BG18)) received in the Office of the President of the Senate on July 13, 2010; to the Committee on Finance.

EC–6626. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Regarding Major Life-Changing Events Affecting Income-Related Monthly Adjustment Amounts to Medicare Part B Premiums'' (RIN0960–AH06) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Finance.

EC–6627. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Electronic Health Record Incentive Program'' (RIN0938–AP78) received in the Office of the President of the Senate on July 13, 2010; to the Committee on Finance.

EC–6628. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for Calendar Year 2010, and Extension of Part B Payment for Services Furnished by Hospitals or Clinics Operated by the Indian Health Service, Indian Tribes, or Tribal Organizations Made by the Affordable Care Act and ASC Changes Made by Previous Correction Notices'' (RIN0938–AQ08) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Finance.

EC–6629. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2007''; to the Committee on Finance.

EC–6630. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, two reports entitled ''Guidance and Standards on Language Access Services: Medicare Provides'' and ''Guidance and Standards on Language Access Services: Medicare Plans''; to the Committee on Finance.

EC–6631. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development (USAID), transmitting, pursuant to law, a report relative to purchases of articles, materials, and supplies that were manufactured outside of the United States for fiscal year 2009; to the Committee on Foreign Relations.

EC–6632. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to the United Kingdom in support of the sale of Hellfire II missiles in the amount of $25,000,000 or more; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1376, a bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States (Rept. No. 111—220).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2765. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 29. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mr. DODD):

S. 3577. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing Lifetime Savings Accounts; to the Committee on Finance.

By Mr. JOHANNS (for himself, Mr. INHOFE, Mr. COBURN, Mr. THUNE, Mr. VITTER, Mr. BARRASSO, Mr. CORNYN, Mr. RISCH, Mr. ENSIGN, Mr. CRAPO, Ms. MURKOWSKI, Mr. ISAKSON, Mr. ROBERTS, and Mr. ENZI):

S. 3578. A bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. BENNETT):

S. 3579. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH:

S. 3580. A bill to amend the Oil Pollution Act of 1990 to permit funds in the Oil Spill Liability Trust to be used by the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies for certain research, prevention, and response capabilities with respect to discharges of oil, for environmental studies, and for grant programs to communities affected by oil spills on the outer Continental Shelf, and to provide funding for such uses; to the Committee on Finance.

By Mr. LUGAR:

S. 3581. A bill to implement certain defense trade treaties; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. BURRIS, Mrs. MURRAY, Mr. KAUFMAN, Mrs. MCCASKILL, Mr. NELSON of Nebraska, and Mrs. BOXER):

S. 3582. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. SANDERS, Ms. SNOWE, and Ms. COLLINS):

S. 3583. A bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for

other purposes; to the Committee on Veterans' Affairs.

By Mr. BEGICH:

S. 3584. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to institute research into the special circumstances associated with oil spill prevention and response in the Arctic waters, including assessment of impacts on Arctic marine mammals and other wildlife, marine debris research and removal, and risk assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 3585. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself, Mr. TESTER, Mr. MERKLEY, Mr. UDALL of Colorado, and Mr. BEGICH):

S. 3586. A bill to promote the mapping and development of United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. TESTER):

S. 3587. A bill to require the Secretary of the Interior to establish a competitive leasing program for wind and solar energy development on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself, Mr. CORNYN, and Mr. WICKER):

S. 3588. A bill to limit the moratorium on certain permitting and drilling activities issued by the Secretary of the Interior, and for other purposes; read the first time.

By Mr. ROCKEFELLER (for himself and Mr. VOINOVICH):

S. 3589. A bill to provide financial incentives and a regulatory framework to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself and Mr. VOINOVICH):

S. 3590. A bill to amend the Internal Revenue Code of 1986 to provide financial incentives to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. VOINOVICH):

S. 3591. A bill to provide financial incentives and a regulatory framework to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico:

S. Res. 581. A resolution honoring the educational and scientific significance of Dr. Jane Goodall on the 50th anniversary of the beginning of her work in what is today Gombe Stream National Park in Tanzania; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER):

S. Res. 582. A resolution recognizing the economic and environmental impacts of the British Petroleum oil spill on the people of the Gulf Coast and their way of life and urging British Petroleum to give all due consideration to offers of assistance, products, or services from the States directly impacted by the Deepwater Horizon oil spill; to the Committee on Environment and Public Works.

## ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 335

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 335, a bill to amend part D of title IV of the Social Security Act to repeal a fee imposed by States on certain child support collections.

S. 457

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 981

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1249

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1273

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1562

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1562, a bill to provide for a study and report on research on the United States Arctic Ocean and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1775

At the request of Mr. BAYH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1775, a bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 3293

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3293, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3570

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.

3570, a bill to improve hydropower, and for other purposes.

S. 3575

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3575, a bill to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act and to authorize the Secretary of Veterans Affairs to share information about the use of controlled substances by veterans with State prescription monitoring programs to prevent misuse and diversion of prescription medicines.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 4417

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 4417 intended to be proposed to H.R. 5297, an act 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4442

At the request of Mr. BURRIS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4442 intended to be proposed to H.R. 5297, an act 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4453

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 4453 intended to be proposed to H.R. 5297, an act 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4464

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4464 intended to be proposed to H.R. 5297, an act 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mr. BENNETT):

S. 3579. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARPER. Mr. President, I rise today with my colleague Senator BENNETT to introduce an important and bipartisan piece of legislation that will help protect American's from identity and financial theft.

As you may have heard in the news, in 2009 Heartland Payment Systems—a national company that processes payments for retailers and restaurants located in nearly all 50 states—was hacked, leaving possibly 100 million people at risk of identity fraud or financial theft. These types of scenarios happen more than we would like and have the potential to keep American's from getting a loan, a new bank account, or—in worst case scenarios—from even paying the monthly bills. This situation is simply unacceptable and this bill will help address these serious problems.

Our bill requires entities such as financial institutions, retailers, and Federal agencies to safeguard sensitive information before it is compromised, investigate possible security breaches, and to notify customers when there is a substantial risk of identity theft or account fraud.

For example, these new requirements would apply to retailers who take credit card information, data brokers who compile private information, and government agencies that possess nonpublic personal information.

My colleague and I modeled our legislation after the data security and breach-response regime established under the Gramm-Leach-Bliley Act of 1999, and subsequent regulations. It also builds on existing law to better ensure federal and state regulators comply with the law and to make certain that data security procedures are uniformly applied.

Lastly, we need to replace the current patchwork of State and Federal regulations for identity theft with a national law, like this one, that provides uniform protections across the country. Our comprehensive approach will better serve consumers by making it easier for businesses and government agencies to take the steps necessary to adequately protect all Americans from identity theft and account fraud.

I look forward to working with my colleagues to get this important and necessary bill enacted before it is too late. I think everyone can agree that our identities and bank accounts are some of the most important aspects of our lives and that, if stolen, can at a minimum make life extremely difficult.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3579

*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 ''Data Security Act of 2010''.

**SEC. 2. DEFINITIONS.**

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

(1) AFFILIATE.—The term ''affiliate'' means any company that controls, is controlled by, or is under common control with another company.

(2) AGENCY.—The term ''agency'' has the same meaning as in section 551(1) of title 5, United States Code.

(3) BREACH OF DATA SECURITY.—

(A) IN GENERAL.—The term ''breach of data security'' means the unauthorized acquisition of sensitive account information or sensitive personal information.

(B) EXCEPTION FOR DATA THAT IS NOT IN USABLE FORM.—

(i) IN GENERAL.—The term ''breach of data security'' does not include the unauthorized acquisition of sensitive account information or sensitive personal information that is maintained or communicated in a manner that is not usable—

(I) to commit identity theft; or

(II) to make fraudulent transactions on financial accounts.

(ii) RULE OF CONSTRUCTION.—For purposes of this subparagraph, information that is maintained or communicated in a manner that is not usable includes any information that is maintained or communicated in an encrypted, redacted, altered, edited, or coded form.

(4) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(5) CONSUMER.—The term ''consumer'' means an individual.

(6) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON CONSUMERS ON A NATIONWIDE BASIS.—The term ''consumer reporting agency that compiles and maintains files on consumers on a nationwide basis'' has the same meaning as in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(7) COVERED ENTITY.—

(A) IN GENERAL.—The term ''covered entity'' means any—

(i) entity, the business of which is engaging in financial activities, as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k));

(ii) financial institution, including any institution described in section 313.3(k) of title 16, Code of Federal Regulations, as in effect on the date of enactment of this Act;

(iii) entity that maintains or otherwise possesses information that is subject to section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w); or

(iv) other individual, partnership, corporation, trust, estate, cooperative, association, or entity that maintains or communicates sensitive account information or sensitive personal information.

(B) EXCEPTION.—The term ''covered entity'' does not include any agency or any other unit of Federal, State, or local government or any subdivision of such unit.

(8) FINANCIAL INSTITUTION.—The term ''financial institution'' has the same meaning as in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

(9) SENSITIVE ACCOUNT INFORMATION.—The term ''sensitive account information'' means a financial account number relating to a consumer, including a credit card number or debit card number, in combination with any security code, access code, password, or other personal identification information required to access the financial account.

(10) SENSITIVE PERSONAL INFORMATION.—

(A) IN GENERAL.—The term ''sensitive personal information'' means the first and last name, address, or telephone number of a consumer, in combination with any of the following relating to such consumer:

(i) Social security account number.

(ii) Driver's license number or equivalent State identification number.

(iii) Taxpayer identification number.

(B) EXCEPTION.—The term ''sensitive personal information'' does not include publicly available information that is lawfully made available to the general public from—

(i) Federal, State, or local government records; or

(ii) widely distributed media.

(11) SUBSTANTIAL HARM OR INCONVENIENCE.—

(A) IN GENERAL.—The term ''substantial harm or inconvenience'' means—

(i) material financial loss to, or civil or criminal penalties imposed on, a consumer, due to the unauthorized use of sensitive account information or sensitive personal information relating to such consumer; or

(ii) the need for a consumer to expend significant time and effort to correct erroneous information relating to the consumer, including information maintained by a consumer reporting agency, financial institution, or government entity, in order to avoid material financial loss, increased costs, or civil or criminal penalties, due to the unauthorized use of sensitive account information or sensitive personal information relating to such consumer.

(B) EXCEPTION.—The term ''substantial harm or inconvenience'' does not include—

(i) changing a financial account number or closing a financial account; or

(ii) harm or inconvenience that does not result from identity theft or account fraud.

**SEC. 3. PROTECTION OF INFORMATION AND SECURITY BREACH NOTIFICATION.**

(a) SECURITY PROCEDURES REQUIRED.—

(1) IN GENERAL.—Each covered entity shall implement, maintain, and enforce reasonable policies and procedures to protect the confidentiality and security of sensitive account information and sensitive personal information which is maintained or is being communicated by or on behalf of a covered entity, from the unauthorized use of such information that is reasonably likely to result in substantial harm or inconvenience to the consumer to whom such information relates.

(2) LIMITATION.—Any policy or procedure implemented or maintained under paragraph (1) shall be appropriate to the—

(A) size and complexity of a covered entity;

(B) nature and scope of the activities of such entity; and

(C) sensitivity of the consumer information to be protected.

(b) INVESTIGATION REQUIRED.—

(1) IN GENERAL.—If a covered entity determines that a breach of data security has or may have occurred in relation to sensitive account information or sensitive personal information that is maintained or is being communicated by, or on behalf of, such covered entity, the covered entity shall conduct an investigation—

(A) to assess the nature and scope of the breach;

(B) to identify any sensitive account information or sensitive personal information that may have been involved in the breach; and

(C) to determine if such information is reasonably likely to be misused in a manner causing substantial harm or inconvenience to the consumers to whom the information relates.

(2) NEURAL NETWORKS AND INFORMATION SECURITY PROGRAMS.—In determining the likelihood of misuse of sensitive account information under paragraph (1)(C), a covered entity shall consider whether any neural network or security program has detected, or is likely to detect or prevent, fraudulent transactions resulting from the breach of security.

(c) NOTICE REQUIRED.—If a covered entity determines under subsection (b)(1)(C) that sensitive account information or sensitive personal information involved in a breach of data security is reasonably likely to be misused in a manner causing substantial harm or inconvenience to the consumers to whom the information relates, such covered entity, or a third party acting on behalf of such covered entity, shall—

(1) notify, in the following order—

(A) the appropriate agency or authority identified in section 5;

(B) an appropriate law enforcement agency;

(C) any entity that owns, or is obligated on, a financial account to which the sensitive account information relates, if the breach involves a breach of sensitive account information;

(D) each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, if the breach involves sensitive personal information relating to 5,000 or more consumers; and

(E) all consumers to whom the sensitive account information or sensitive personal information relates; and

(2) take reasonable measures to restore the security and confidentiality of the sensitive account information or sensitive personal information involved in the breach.

(d) COMPLIANCE.—

(1) IN GENERAL.—A financial institution shall be deemed to be in compliance with—

(A) subsection (a), and any regulations prescribed under such subsection, if such institution maintains policies and procedures to protect the confidentiality and security of sensitive account information and sensitive personal information that are consistent with the policies and procedures of such institution that are designed to comply with the requirements of section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) and any regulations or guidance prescribed under that section that are applicable to such institution; and

(B) subsections (b) and (c), and any regulations prescribed under such subsections, if such institution—

(i)(I) maintains policies and procedures to investigate and provide notice to consumers of breaches of data security that are consistent with the policies and procedures of such institution that are designed to comply with the investigation and notice requirements established by regulations or guidance under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) that are applicable to such institution; or

(II) is an affiliate of a bank holding company that maintains policies and procedures to investigate and provide notice to consumers of breaches of data security that are consistent with the policies and procedures of a bank that is an affiliate of such institution, and that bank's policies and procedures are designed to comply with the investigation and notice requirements established by any regulations or guidance under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) that are applicable to that bank; and

(ii) provides for notice to the entities described under subparagraphs (B), (C), and (D) of subsection (c)(1), if notice is provided to consumers pursuant to the policies and procedures of such institution described in clause (i).

(2) DEFINITIONS.—For purposes of this subsection, the terms ''bank holding company'' and ''bank'' shall have the same meaning given such terms under section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

**SEC. 4. IMPLEMENTING REGULATIONS.**

(a) IN GENERAL.—Except as provided under section 6, the agencies and authorities identified in section 5, with respect to the covered entities that are subject to the respective enforcement authority of such agencies and authorities, shall prescribe regulations to implement this Act.

(b) COORDINATION.—Each agency and authority required to prescribe regulations under subsection (a) shall consult and coordinate with each other agency and authority identified in section 5 so that, to the extent possible, the regulations prescribed by each agency and authority are consistent and comparable.

(c) METHOD OF PROVIDING NOTICE TO CONSUMERS.—The regulations required under subsection (a) shall—

(1) prescribe the methods by which a covered entity shall notify a consumer of a breach of data security under section 3; and

(2) allow a covered entity to provide such notice by—

(A) written, telephonic, or e-mail notification; or

(B) substitute notification, if providing written, telephonic, or e-mail notification is not feasible due to—

(i) lack of sufficient contact information for the consumers that must be notified; or

(ii) excessive cost to the covered entity.

(d) CONTENT OF CONSUMER NOTICE.—The regulations required under subsection (a) shall—

(1) prescribe the content that shall be included in a notice of a breach of data security that is required to be provided to consumers under section 3; and

(2) require such notice to include—

(A) a description of the type of sensitive account information or sensitive personal information involved in the breach of data security;

(B) a general description of the actions taken by the covered entity to restore the security and confidentiality of the sensitive account information or sensitive personal information involved in the breach of data security; and

(C) the summary of rights of victims of identity theft prepared by the Commission under section 609(d) of the Fair Credit Reporting Act (15 U.S.C. 1681g), if the breach of data security involves sensitive personal information.

(e) TIMING OF NOTICE.—The regulations required under subsection (a) shall establish standards for when a covered entity shall provide any notice required under section 3.

(f) LAW ENFORCEMENT DELAY.—The regulations required under subsection (a) shall allow a covered entity to delay providing notice of a breach of data security to consumers under section 3 if a law enforcement agency requests such a delay in writing.

(g) SERVICE PROVIDERS.—The regulations required under subsection (a) shall—

(1) require any party that maintains or communicates sensitive account information or sensitive personal information on behalf of a covered entity to provide notice to that covered entity if such party determines that a breach of data security has, or may have, occurred with respect to such information; and

(2) ensure that there is only 1 notification responsibility with respect to a breach of data security.

(h) TIMING OF REGULATIONS.—The regulations required under subsection (a) shall—

(1) be issued in final form not later than 6 months after the date of enactment of this Act; and

(2) take effect not later than 6 months after the date on which they are issued in final form.

**SEC. 5. ADMINISTRATIVE ENFORCEMENT.**

(a) IN GENERAL.—Section 3, and the regulations required under section 4, shall be enforced exclusively under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) a national bank, a Federal branch or Federal agency of a foreign bank, or any subsidiary thereof (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Office of the Comptroller of the Currency;

(B) a member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, an organization operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601,604), or a bank holding company and its nonbank subsidiary or affiliate (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Board of Governors of the Federal Reserve System;

(C) a bank, the deposits of which are insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), an insured State branch of a foreign bank, or any subsidiary thereof (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) a savings association, the deposits of which are insured by the Federal Deposit Insurance Corporation, or any subsidiary thereof (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Director of the Office of Thrift Supervision;

(2) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the National Credit Union Administration Board with respect to any federally insured credit union;

(3) the Securities Exchange Act of 1934 (15 U.S.C.78a et seq.), by the Securities and Exchange Commission with respect to any broker or dealer;

(4) the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), by the Securities and Exchange Commission with respect to any investment company;

(5) the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), by the Securities and Exchange Commission with respect to any investment adviser registered with the Securities and Exchange Commission under that Act;

(6) the Commodity Exchange Act (7 U.S.C. 1 et seq.), by the Commodity Futures Trading Commission with respect to any futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker;

(7) the provisions of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.), by the Director of Federal Housing Enterprise Oversight (and any successor to such functional regulatory agency) with respect to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and any other entity or enterprise (as defined in that title) subject to the jurisdiction of such functional regulatory agency under that title, including any affiliate of any such enterprise;

(8) State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled; and

(9) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), by the Commission for any other covered entity that is not subject to the jurisdiction of any agency or authority described under paragraphs (1) through (8).

(b) EXTENSION OF FEDERAL TRADE COMMISSION ENFORCEMENT AUTHORITY.—The authority of the Commission to enforce compliance with section 3, and the regulations required under section 4, under subsection (a)(8) shall—

(1) notwithstanding the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.), include the authority to enforce compliance by air carriers and foreign air carriers; and

(2) notwithstanding the Packers and Stockyards Act (7 U.S.C. 181 et seq.), include the authority to enforce compliance by persons, partnerships, and corporations subject to the provisions of that Act.

(c) NO PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—This Act, and the regulations prescribed under this Act, may not be construed to provide a private right of action, including a class action with respect to any act or practice regulated under this Act.

(2) CIVIL AND CRIMINAL ACTIONS.—No civil or criminal action relating to any act or practice governed under this Act, or the regulations prescribed under this Act, shall be commenced or maintained in any State court or under State law, including a pendent State claim to an action under Federal law.

**SEC. 6. PROTECTION OF INFORMATION AT FEDERAL AGENCIES.**

(a) DATA SECURITY STANDARDS.—Each agency shall implement appropriate standards relating to administrative, technical, and physical safeguards—

(1) to insure the security and confidentiality of the sensitive account information and sensitive personal information that is maintained or is being communicated by, or on behalf of, that agency;

(2) to protect against any anticipated threats or hazards to the security of such information; and

(3) to protect against misuse of such information, which could result in substantial harm or inconvenience to a consumer.

(b) SECURITY BREACH NOTIFICATION STANDARDS.—Each agency shall implement appropriate standards providing for notification of consumers when such agency determines that sensitive account information or sensitive personal information that is maintained or is being communicated by, or on behalf of, such agency—

(1) has been acquired without authorization; and

(2) is reasonably likely to be misused in a manner causing substantial harm or inconvenience to the consumers to whom the information relates.

**SEC. 7. RELATION TO STATE LAW.**

No requirement or prohibition may be imposed under the laws of any State with respect to the responsibilities of any person to—

(1) protect the security of information relating to consumers that is maintained or communicated by, or on behalf of, such person;

(2) safeguard information relating to consumers from potential misuse;

(3) investigate or provide notice of the unauthorized access to information relating to consumers, or the potential misuse of such information for fraudulent, illegal, or other purposes; or

(4) mitigate any loss or harm resulting from the unauthorized access or misuse of information relating to consumers.

**SEC. 8. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.**

(a) COVERED ENTITIES.—Sections 3 and 7 shall take effect on the later of—

(1) 1 year after the date of enactment of this Act; or

(2) the effective date of the final regulations required under section 4.

(b) AGENCIES.—Section 6 shall take effect 1 year after the date of enactment of this Act.

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By Mr. LUGAR:

S. 3581. A bill to implement certain defense trade treaties; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Defense Trade Treaty Implementation Act of 2010.

The purpose of this bill is to provide authority to implement two treaties on defense trade cooperation currently pending before the Senate—one with the United Kingdom and one with Australia. These treaties would facilitate defense cooperation with two close allies by eliminating licensing requirements for certain categories of defense articles.

I have long supported the objectives of these treaties. Indeed, in 2003—before the treaties were negotiated—I introduced legislation that would have provided the President the authority to waive licensing requirements for similar defense trade with the United Kingdom and Australia.

Subsequently, the Bush administration negotiated these treaties, and they were submitted to the Senate in 2007. To date, the Senate has not been able to act on the treaties, in significant part because of confusion and uncertainty about how they would be implemented and enforced in U.S. law.

This legislation would address the problem by providing clear legislative authority under the Arms Export Control Act to implement and enforce the treaties. In particular, it would provide authority to exempt from licensing requirements under the Arms Export Control Act exports of defense articles made in connection with the treaties.

It would provide authority for the President to issue regulations pursuant to the Arms Export Control Act to implement and enforce the treaties. It would provide authority to allow violations or abuses of the treaty to be prosecuted under enforcement provisions of the Arms Export Control Act. It would provide for notification to the Congress of significant exports of defense articles made pursuant to the treaties.

Previous efforts by both the Bush and Obama administrations to develop a viable approach for implementing and enforcing the treaties without new legislation have been unsuccessful to date, and have created unfortunate delays in bringing these treaties into force. I believe that this legislation will put the implementation and enforcement of the treaties on a far sounder and more certain footing, and eliminate the confusion that has led to these delays.

I look forward to working with other members and with the administration on this legislation. It is my hope that passage of this legislation, together with a resolution of advice and consent to the treaties containing appropriate protections for the Senate's role in overseeing arms exports and approving significant future changes to the treaty regime, may allow the treaties to enter into force this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3581

*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 ''Defense Trade Treaty Implementation Act of 2010''.

**SEC. 2. EXEMPTION FROM REQUIREMENTS FOR BILATERAL AGREEMENTS.**

Section 38(j)(1) of the Arms Export Control Act (22 U.S.C. 2778(j)(1)) is amended—

(1) in the subparagraph heading for subparagraph (B), by inserting ''FOR CANADA'' after ''EXCEPTION''; and

(2) by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this Act for the export of defense items to give effect to any of the following defense trade cooperation treaties, provided that the treaty has entered into force pursuant to Article II, Section 2, clause 2 of the Constitution of the United States:

''(i) The Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London June 21 and 26, 2007 (and any implementing arrangement thereto).

''(ii) The Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 23, 2007 (and any implementing arrangement thereto).''.

**SEC. 3. ENFORCEMENT.**

(a) CRIMINAL VIOLATIONS.—Section 38(c) of such Act is amended by striking ''this section or section 39, or any rule or regulation issued under either section'' and inserting ''this section, section 39, a treaty referred to in subsection (j)(1)(C), or any rule or regulation issued under this section or section 39, including any rule or regulation issued under this section to implement or enforce a treaty referred to in subsection (j)(1)(C) or an implementing arrangement pursuant to such treaty''.

(b) ENFORCEMENT POWERS OF PRESIDENT.—Section 38(e) of such Act is amended by striking ''defense services,'' and inserting ''defense services, including defense articles and defense services exported or imported pursuant to a treaty referred to in subsection (j)(1)(C),''.

(c) NOTIFICATION REGARDING EXEMPTIONS FROM LICENSING REQUIREMENTS.—Section 38(f) of such Act is amended by adding at the end the following new paragraph:

''(4) Paragraph (2) shall not apply with respect to an exemption under subsection (j)(1)(A) to give effect to a treaty referred to in subsection (j)(1)(C) (and any implementing arrangements to such treaty), provided that the President promulgates regulations to implement and enforce such treaty under this section and section 39.''.

**SEC. 4. CONGRESSIONAL NOTIFICATION.**

(a) ELIGIBILITY FOR DEFENSE ARTICLES OR DEFENSE ARTICLES.—Section 3(d)(3)(A) of such Act (22 U.S.C. 2753(d)(3)(A)) is amended by inserting after ''approved under section 38 of this Act'' the following: ''or has been exempted from the licensing requirements of this Act pursuant to section 38(j) of this Act''.

(b) PRESIDENTIAL CERTIFICATIONS.—

(1) EXPORT LICENSES.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

''(6) An export pursuant to a treaty referred to in section 38(j)(1)(C) of this Act to which the provisions of paragraph (1) would apply absent an exemption granted under section 38(j)(1) of this Act shall not take place until 15 days after the President has submitted a certification with respect to such export in a similar manner, and containing comparable information, as required under paragraph (1).''.

(2) COMMERCIAL TECHNICAL ASSISTANCE OR MANUFACTURING LICENSING AGREEMENTS.—Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended by adding at the end the following new paragraph:

''(6) An export pursuant to a treaty referred to in section 38(j)(1)(C) of this Act to which the provisions of paragraph (1) would apply absent an exemption granted under section 38(j)(1) of this Act shall not take place until 15 days after the President has submitted a certification with respect to such export in a similar manner, and containing comparable information, as required under paragraph (1).''.

**SEC. 5. IMPLEMENTING REGULATIONS.**

The President is authorized to issue regulations pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) to implement and enforce the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London June 21 and 26, 2007 (and any implementing arrangement thereto), and the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 23, 2007 (and any implementing arrangement thereto), consistent with other applicable provisions of the Arms Export Control Act, as amended by this Act, and with the terms of any resolution of advice and consent adopted by the Senate with respect to either treaty.

**SEC. 6. RULE OF CONSTRUCTION.**

Nothing in this Act, or in the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto), or in the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 23, 2007 (and any implementing arrangement thereto), or in any regulation issued to implement either treaty, shall be construed to modify or supersede any provision of law or regulation other than the Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by this Act, and regulations issued pursuant to such Act.

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By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 3585. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

Mr. UDALL of Colorado. Mr. President, today I am introducing legislation to help the Pentagon turn energy from a source of risk to a source of advantage. The Department of Defense, DOD, Energy Security Act would decrease the Pentagon's consumption of petroleum, reduce reliance on the grid, and help plan for the future. All of this would help achieve an important goal that we all support: enhancing our national security.

I am grateful to my former colleague on the House Armed Services Committee, Representative GABRIELLE GIFFORDS of Arizona, who introduced the counterpart bill in the House of Representatives. I am also grateful to Senator BENNET for cosponsoring this legislation. I look forward to continuing to work with both of them on this important legislation and on this important issue.

As a member of the Senate Armed Services Committee and of the Energy and Natural Resources Committee, I have focused on the intersection of defense and energy for some time.

The United States is the world's largest consumer of energy. We depend on foreign imports for nearly 60 percent of our oil. Nearly every military challenge we face is either derived from or impacted by our reliance on fossil fuels and foreign energy sources.

The Pentagon is a large microcosm of this even larger problem. The U.S. military is the single largest consumer of energy in the world—consuming more energy per day than 85 percent of the world's countries. It is the largest electricity consumer in the federal government and the single largest buyer of fuel in the United States—using 2 percent of our total national consumption.

Energy supply security affects DOD's ability to accomplish its mission, and

efforts to secure supply lines and deliver fuel in-theater directly result in the deaths of service members charged with protecting it. But our military's reliance is not just on the battlefield. At home, defense facilities rely on a fragile national grid, leaving critical assets vulnerable. The Defense Science Board found in its 2008 report ''More Fight—Less Fuel'' that ''critical national security and homeland defense missions are at an unacceptably high risk of extended outage from failure of the grid.''

The Pentagon's energy consumption has serious national security implications, but it also presents opportunities. As the Logistics Management Institute wrote, ''Aggressively developing and applying energy-saving technologies to military applications would potentially do more to solve the most pressing long-term challenges facing DOD and our national security than any other single investment area.''

That is why I am introducing this legislation. The Department of Defense Energy Security Act addresses energy supply and use by decreasing consumption by facilities and vehicles and increasing the use of renewable electricity sources to relieve the Department's reliance on external power sources. In addition, the bill sets overarching policies to implement sustainable acquisition practices, sets new DOD Energy Performance Goals, and requires DOD to develop an Energy Performance Plan and an implementation assessment for accomplishing its goal of deriving 25 percent of its electricity from renewable sources by 2025.

Utilizing alternative energy sources and energy efficiency technologies can help our military increase energy reliability and reduce its dependence on oil; improve efficiency in operations, platforms, and vehicles; reduce the costs to taxpayers of military-consumed electricity and fuel; expand portable clean technology options for use in combat and logistics; act as an anchor customer for the alternative fuels and energy efficiency industries; and reduce grid vulnerabilities at our military installations.

Reducing our reliance on fossil fuels and foreign sources of energy is a goal we all share. Helping the Defense Department achieve this goal should be a national priority. I urge my colleagues—of both parties—to join me in supporting this legislation.

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By Mr. REID (for himself, Mr. TESTER, Mr. MERKLEY, Mr. UDALL of Colorado, and Mr. BEGICH):

S. 3586. A bill to promote the mapping and development of United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3586

*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 ''Geothermal Exploration Act of 2010''.

**SEC. 2. GEOTHERMAL EXPLORATORY DRILLING LOAN PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) FUND.—The term ''Fund'' means the Geothermal Investment Fund established under subsection (h).

(2) PROGRAM.—The term ''program'' means the direct loan program for high risk geothermal exploration wells established under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy

(b) ESTABLISHMENT.—The Secretary shall establish a direct loan program for high risk geothermal exploration wells.

(c) APPLICATIONS.—An applicant that seeks to receive a loan under the program may submit to the Secretary an application for the loan at such time, in such form, and containing such information as the Secretary may prescribe.

(d) PROJECT CRITERIA.—

(1) IN GENERAL.—In selecting applicants for loans under this section to carry out projects under the program, the Secretary shall consider—

(A) the potential for unproven geothermal resources that would be explored and developed under a project;

(B) the expertise and experience of an applicant in developing geothermal resources; and

(C) the importance of the project in meeting the goals of the Department of Energy.

(2) PREFERENCE.—In selecting applicants for loans under this section to carry out projects under the program, the Secretary shall provide a preference for previously unexplored, underexplored, or unproven geothermal resources in a variety of geologic and geographic settings.

(e) DATA SHARING.—Data from all exploratory wells that are carried out under the program shall be provided to the Secretary and the Secretary of the Interior for use in mapping national geothermal resources and other uses, including—

(1) subsurface geologic data;

(2) metadata;

(3) borehole temperature data; and

(4) inclusion in the National Geothermal Data System of the Department of Energy.

(f) ADMINISTRATION.—

(1) COST SHARE.—

(A) IN GENERAL.—The Secretary shall determine the cost share for a loan made under this section.

(B) HIGHER RISKS.—The Secretary may base the cost share percentage for loans made under this section on a sliding scale, with higher Federal shares awarded to projects with higher risks.

(2) NUMBER OF WELLS.—The Secretary shall determine the number of wells for each selected geothermal project for which a loan may be made under this section.

(3) UNPRODUCTIVE PROJECTS.—The Secretary may grant further delays or dispense with the repayment obligation on a demonstration that a selected geothermal project is unproductive.

(g) LOAN REPAYMENT.—

(1) COMMENCEMENT.—The recipient of a loan made under this section for a geothermal facility shall commence repayment of the loan beginning on the earlier of—

(A) the date that is 4 years after the date the loan is made; or

(B) the date on which the geothermal facility enters into commercial production.

(2) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a loan made under this section shall be 4 years beginning on the applicable loan repayment commencement date under paragraph (1).

(B) EXTENSION.—The Secretary may extend the term of a loan under this section for not more than 4 years.

(3) USE OF LOAN REPAYMENTS.—Amounts repaid on loans made under this section shall be deposited in the Fund.

(h) GEOTHERMAL INVESTMENT FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ''Geothermal Investment Fund'', to be administered by the Secretary, to be available without fiscal year limitation and not subject to appropriation, to carry out this section.

(2) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are appropriated to the Fund under subsection (j).

(3) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purpose described in paragraph (1).

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary of Energy shall submit to the the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the operation of the Fund during the fiscal year.

(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

(i) A statement of the amounts deposited into the Fund.

(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.

(i) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop guidelines for the implementation of the program.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2020.

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By Mr. REID (for himself and Mr. TESTER):

S. 3587. A bill to require the Secretary of the Interior to establish a competitive leasing program for wind and solar energy development on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3587

*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 ''Clean Energy, Community Investment, and Wildlife Conservation Act''.

**SEC. 2. DEVELOPMENT OF WIND AND SOLAR ENERGY ON FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means any Federal land under the administrative jurisdiction of the Bureau of Land Management or the Forest Service.

(2) FUND.—The term ''Fund'' means the Renewable Energy Mitigation and Fish and Wildlife Fund established by section 3(b).

(3) PILOT PROGRAM.—The term ''pilot program'' means the wind and solar leasing pilot program established under subsection (b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State within the boundaries of which income is derived under a lease issued under this section.

(b) WIND AND SOLAR LEASING PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a wind and solar leasing pilot program for Federal land.

(2) SELECTION OF SITES.—

(A) IN GENERAL.—Not later than 90 days after the date on which the pilot program is established, the Secretary shall select not fewer than 2 sites that are appropriate for the development of a solar energy project, and not fewer than 2 sites that are appropriate for the development of a wind energy project, on Federal land as part of the pilot program.

(B) SITE SELECTION.—In carrying out subparagraph (A), the Secretary shall seek to select sites on Federal land—

(i) for which there is likely to be a high level of industry interest; and

(ii) that has comparatively low value for other resources.

(C) EXCLUSIONS.—For purposes of this Act only, Federal land suitable for wind and solar development does not include—

(i) any unit of the National Wildlife Refuge System;

(ii) any component of the National Wild and Scenic Rivers System;

(iii) any part of the National Landscape Conservation System;

(iv) any designated wilderness area, wilderness study area, or other area managed for wilderness characteristics;

(v) any inventoried roadless area within the National Forest System;

(vi) any National Historic Landmark;

(vii) any National Historic District or an Archaeological District eligible for or listed in the National Register of Historic Places; or

(viii) other sensitive land, as determined by the Secretary.

(D) COORDINATION WITH COUNTIES.—In selecting sites under the pilot program, the Secretary shall—

(i) coordinate site selection activities with the county and State land management and wildlife agencies in whose jurisdiction the Federal land is located; and

(ii) take into consideration local land use planning and zoning requirements and recommendations.

(3) CONSULTATION.—In establishing the pilot program and the wind or solar leasing programs under subsection (c), the Secretary shall consult with—

(A) appropriate Federal agencies, including the Department of Defense;

(B) affected States and counties;

(C) Indian tribes;

(D) representatives of the wind and solar industries;

(E) representatives of the environmental, conservation, and fish and wildlife conservation communities;

(F) representatives of the motorized and nonmotorized outdoor recreation communities;

(G) representatives of the ranching and agricultural communities; and

(H) the public.

(4) WIND AND SOLAR LEASE SALES.—

(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), not later than 180 days after the date on which sites are selected under paragraph (2), the Secretary shall offer each site for competitive leasing to qualified bidders under such terms and conditions as are required by the Secretary.

(B) BIDDING SYSTEMS.—In offering the sites for lease, the Secretary—

(i) may vary the bidding systems to be used at each lease sale; but

(ii) shall limit bidding to 1 round in any lease sale.

(C) LEASE TERMS.—

(i) IN GENERAL.—As part of the pilot program, the Secretary may vary the length of the lease terms and establish such other lease terms and conditions as the Secretary considers appropriate.

(ii) DATA COLLECTION.—As part of the pilot program, the Secretary shall—

(I) offer on a noncompetitive basis on at least 1 site a short-term lease for data collection; and

(II) on the expiration of the short-term lease, offer on a competitive basis a long-term lease, giving credit toward the bonus bid to the holder of the short-term lease for any qualified expenditures to collect data to develop the site during the short-term lease.

(D) QUALIFICATIONS.—Prior to any lease sale, the Secretary shall establish qualifications for bidders that ensures bidders—

(i) are able to expeditiously develop a wind or solar energy project on the site for lease; and

(ii) possess—

(I) financial resources necessary to complete a project;

(II) knowledge of the applicable technology; and

(III) such other qualifications as determined appropriate by the Secretary.

(5) COMPLIANCE WITH LAWS.—In offering for lease the selected sites under (4), the Secretary shall comply with all applicable environmental and other laws.

(6) REPORT.—The Secretary shall—

(A) compile a report of the results of each lease sale under the pilot program, including—

(i) the level of competitive interest;

(ii) a summary of bids and revenues received; and

(iii) any other factors that may have impacted the lease sale process; and

(B) not later than 90 days after the final lease sale, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the report described in subparagraph (A).

(c) LEASING PROGRAM FOR WIND AND SOLAR ENERGY.—

(1) DETERMINATIONS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall determine whether to establish leasing programs under this section for wind and solar energy.

(B) REQUIREMENTS.—Not later than 180 days after the date on which any determination under subparagraph (A) is made, the Secretary shall establish a leasing program if the Secretary determines that the program—

(i) is in the public interest; and

(ii) provides an effective means of developing wind or solar energy on Federal land.

(C) REPORT.—If the Secretary determines that a leasing program should not be established, not later than 60 days after the date of the determination, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the reasons and findings for that determination.

(2) LEASES FOR CERTAIN FEDERAL LAND.—

(A) IN GENERAL.—If the Secretary makes the determination to establish a leasing program under this section, except as provided in subparagraph (B) and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), the Secretary may develop policy and regulations for, and issue leases on, Federal land under the administrative jurisdiction of the Bureau of Land Management and the Forest Service.

(B) EXCEPTION.—The Secretary may not issue any lease on National Forest System land under subparagraph (A) over the objection of the Secretary of Agriculture.

(3) CONSULTATION AND CONSIDERATIONS.—In making the determinations required under this subsection, the Secretary shall—

(A) consult with—

(i) appropriate Federal agencies, including the Department of Defense;

(ii) affected States and counties;

(iii) Indian tribes;

(iv) representatives of the wind and solar industry;

(v) representatives of the environmental, conservation, and fish and wildlife conservation communities;

(vi) representatives of the motorized and nonmotorized outdoor recreation communities;

(vii) representatives of the ranching and agricultural communities; and

(viii) the public; and

(B) consider the results of the report provided under subsection (b)(6) and the results of the pilot program.

(4) REQUIREMENTS.—If the Secretary determines under this subsection that a leasing program should be established, the program shall be carried out in accordance with subsections (d) through (i).

(d) COMPETITIVE LEASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), leases for wind or solar energy development under this section shall be issued on a competitive basis with a single round of bidding in any lease sale.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to Federal land if the Secretary determines that—

(A) there is no competitive interest for the Federal land;

(B) the public interest would not be served by the competitive issuance of a lease;

(C) the lease is for the placement and operation of a meteorological or data collection facility or for the development or demonstration of a new wind or solar technology and has a term of not more than 5 years;

(D) meteorological testing tower or other data collection device has been installed under an approved easement, special-use permit, or right-of-way issued before the date of enactment of this Act; or

(E) the Federal land is eligible to be granted a noncompetitive lease under subsection (e)(3).

(e) TRANSITION TO LEASING.—

(1) IN GENERAL.—The Secretary shall continue to accept applications for rights-of-way, review the applications, and provide for the issuance of rights-of-way for the development of wind or solar energy on Federal land in accordance with each requirement described in title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) during the pilot program and until the

Secretary determines to establish wind and solar leasing programs under subsection (c).

(2) ADMINISTRATION.—If the Secretary determines under subsection (c) that a leasing program should be established, the Secretary shall provide for a reasonable transition from the use of rights-of-way to leases, taking into account paragraphs (3) and (4) and the status of the project, including whether—

(A) rights-of-way for testing or construction have been granted;

(B) a plan of development has been submitted; or

(C) a draft environmental impact statement has been published.

(3) EXISTING RIGHTS-OF-WAY.—

(A) IN GENERAL.—Effective beginning on the date on which the wind and solar leasing programs are established, the Secretary shall not renew an existing right-of-way authorization for wind and solar energy development at the end of the term of the authorization.

(B) LEASE.—

(i) IN GENERAL.—Subject to clause (ii), at the end of the term of the right-of-way authorization for the wind or solar energy project, the Secretary may grant, without a competitive process, a lease to the holder of the right-of-way for the same Federal land as was authorized under the right-of-way authorization.

(ii) TERMS AND CONDITIONS.—Any lease described in clause (i) shall be subject to the terms and conditions generally applicable to other lease sales for similar projects at the time the lease is issued.

(4) PENDING RIGHTS-OF-WAY.—Effective beginning on the date on which the wind and solar leasing programs are established, the Secretary may provide any applicant that has filed a plan of development for a right-of-way for a wind or solar energy project with an option to acquire a noncompetitive lease, under such terms and conditions as are required by this section and the Secretary, for the same Federal land included in the plan of development, if—

(A) the plan of development has been determined by the Secretary to be adequate for the initiation of environmental review; and

(B) granting the lease is consistent with all applicable land use planning, environmental, and other laws.

(f) REQUIREMENTS.—If the Secretary establishes a leasing program under subsection (c), the Secretary shall ensure that any activity under the wind and solar leasing program is carried out in a manner that—

(1) is consistent with all applicable land use planning, environmental, and other laws; and

(2) provides for—

(A) safety;

(B) protection of the environment;

(C) prevention of waste;

(D) diligent development of the resource, with specific milestones determined by the Secretary;

(E) coordination with applicable Federal agencies;

(F) use of best management practices, including planning and practices for mitigation of impacts;

(G) public notice and comment on any proposal submitted for a lease under this section;

(H) oversight, inspection, research, monitoring, and enforcement relating to a lease under this section;

(I) protection of fish and wildlife habitat; and

(J) efficient use of water resources.

(g) LEASE DURATION, SUSPENSION, AND CANCELLATION.—

(1) IN GENERAL.—If the Secretary establishes a leasing program under subsection (c), subject to paragraph (2), the Secretary shall establish terms and conditions for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease under this section.

(2) MINIMUM TERM.—A wind or solar project with a total capacity of 100 megawatts or more shall be leased for not less than 30 years under this section.

(h) SECURITY.—If the Secretary establishes a leasing program under subsection (c), the Secretary shall require the holder of a lease issued under this section—

(1) to furnish a reclamation bond or other form of security determined to be appropriate by the Secretary;

(2) on completion of the activities authorized by the lease—

(A) to restore the Federal land that is subject to the lease to the condition in which the Federal land existed before the lease was granted; or

(B) to conduct mitigation activities (or payment of funds to be transferred to the Fund in lieu of the activities) if the Secretary determines that restoration of the Federal land to the condition described in subparagraph (A) is impracticable; and

(3) to comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States.

(i) BEST MANAGEMENT PRACTICES.—The Secretary shall—

(1) establish best management practices to ensure the sound, efficient, and environmentally responsible development of wind and solar resources on the Federal land in a manner that will minimize consumptive water use, and avoid, minimize, and mitigate actual and anticipated impacts to fish and wildlife habitat and ecosystem function, resulting from development under a lease issued under this section; and

(2) include—

(A) provisions in the lease requiring renewable energy operators to comply with the practices established under paragraph (1); and

(B) such other provisions as the Secretary considers appropriate.

(j) PAYMENTS.—

(1) IN GENERAL.—The Secretary shall establish royalties, fees, rentals, bonuses, or other payments to ensure a fair return to the United States, States, and counties for any right-of-way or lease issued for a wind or solar project on Federal land.

(2) COLLECTION OF PAYMENTS.—

(A) IN GENERAL.—Prior to the collection of royalties under paragraph (4), the Secretary shall collect payments for wind and solar projects in accordance with section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)).

(B) EXCEPTION.—Wind or solar energy leases issued under this section shall not be subject to the rental fee exemption for rights-of-way under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)).

(3) BONUS BIDS.—The Secretary may grant credit toward any bonus bid for a qualified expenditure by the holder of a lease described in subsection (d)(2)(C) in any competitive lease sale held for a long-term lease covering the same Federal land covered by the lease described in subsection (d)(2)(C).

(4) ROYALTIES.—Except as provided in paragraph (6), the Secretary shall develop and enforce a royalty on electricity produced by wind and solar projects on Federal land that—

(A) encourages production of wind or solar energy;

(B) encourages the maximum energy generation using the least quantity of Federal land and other natural resources, including water;

(C) ensures a fair return (comparable to the return that would be obtained on State and private land) to the public, States, and counties eligible to receive a portion of the revenues under section 3(a); and

(D) encourages the use of energy storage technologies that increase the capacity factor of wind or solar energy generation facilities.

(5) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a rulemaking for wind energy and solar energy royalty rates.

(6) ROYALTY RELIEF.—Subject to paragraph (2)(B), to promote the greatest generation of renewable energy, the Secretary may, until fiscal year 2040, provide that no royalty or a reduced royalty is required for a period not to exceed 5 years beginning on the date on which wind or solar generation is initially commenced on the Federal land.

(k) SEGREGATION FROM APPROPRIATION UNDER MINING AND FEDERAL LAND LAWS.—

(1) IN GENERAL.—On selection of Federal land for leasing under this section, the Secretary may temporarily segregate the selected Federal land from appropriation under the mining and public land laws.

(2) ADMINISTRATION.—Segregation of Federal land under this subsection—

(A) may only be made for a period of not to exceed 10 years; and

(B) shall be subject to valid existing rights as of the date of the segregation.

**SEC. 3. DISPOSITION OF REVENUE.**

(a) DISTRIBUTION OF PROCEEDS AND PAYMENTS.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act, all amounts collected by the Secretary as royalties, fees, rentals, bonuses, or other payments for wind and solar projects on Federal land, including any fees associated with wind and solar energy rights-of-way, shall be distributed as follows:

(A) 25 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the income is derived.

(B) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the income is derived.

(C) 15 percent shall—

(i) for the period beginning on the date of enactment of this Act and ending on the date specified in clause (ii), be deposited in the Treasury of the United States to help facilitate the processing of renewable energy permits by the Bureau of Land Management, subject to paragraph (2)(A)(i), including the transfer of the funds by the Bureau of Land Management to other Federal and State agencies to facilitate the processing of renewable energy permits on Federal land; and

(ii) beginning on the date that is 10 years after the date of enactment of this Act, be deposited in the Fund.

(D) 35 percent shall be deposited in the Fund.

(2) LIMITATIONS.—

(A) RENEWABLE ENERGY PERMITS.—For purposes of clause (i) of paragraph (1)(C):

(i) Not more than $50,000,000 shall be deposited in the Treasury at any 1 time under that clause.

(ii) The following shall be deposited in the Fund:

(I) Any amounts collected under that subclause that are not obligated by the date specified in paragraph (1)(C)(ii).

(II) Any amounts that exceed the $50,000,000 deposit limit under clause (i).

(III) Any amounts provided by the lease holder pursuant to section 2(h)(2)(B).

(B) FUND.—Any amounts deposited in the Fund under subparagraph (A)(ii) or paragraph (1)(C)(ii) shall be in addition to amounts deposited in the Fund under paragraph (1)(D).

(3) AVAILABILITY OF FUNDS.—Funds under this subsection shall be available for expenditure without further appropriation and without fiscal year limitation.

(b) RENEWABLE ENERGY MITIGATION AND FISH AND WILDLIFE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Renewable Energy Mitigation and Fish and Wildlife Fund'', to be administered by the Secretary, for use in the State.

(2) USE OF FUNDS.—Amounts in the Fund shall be available to the Secretary, who may make the amounts available to the State, Federal agencies, or other interested parties for the purposes of—

(A) mitigating impacts of renewable energy on Federal land, including—

(i) protecting fish and wildlife corridors and other sensitive land; and

(ii) restoring fish and wildlife habitat; and

(iii) securing recreational access to Federal land through easement, right of way, or fee title acquisition from willing sellers for the purpose of providing enhanced public access to existing Federal land that is inaccessible or significantly restricted; and

(B) carrying out activities authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) in the State.

(3) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available for expenditure, in accordance with this subsection, without further appropriation, and without fiscal year limitation.

(4) INVESTMENT OF FUND.—

(A) IN GENERAL.—Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) USE.—Any interest earned under subparagraph (A) may be expended in accordance with this subsection.

**SEC. 4. 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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 581—HONORING THE EDUCATIONAL AND SCIENTIFIC SIGNIFICANCE OF DR. JANE GOODALL ON THE 50TH ANNIVERSARY OF THE BEGINNING OF HER WORK IN WHAT IS TODAY GOMBE STREAM NATIONAL PARK IN TANZANIA

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 581

Whereas on July 14, 1960, Dr. Jane Goodall arrived at Gombe Stream Chimpanzee Reserve in what is today Tanzania;

Whereas Dr. Goodall's research led to numerous groundbreaking discoveries including the creation and use of tools by chimpanzees;

Whereas these and other behavioral observations of chimpanzees forever changed human understanding of the differences between humans and other animal species;

Whereas between 1968 and 1986, Dr. Goodall published a collection of articles and books that remain the foundational scientific works on chimpanzee and wildlife studies;

Whereas her book, The Chimpanzees of Gombe: Patterns of Behavior published by Harvard University Press, details the range of behaviors that make up the essential corpus of chimpanzee natural history and remains today a critical reference for researchers in the field;

Whereas Dr. Goodall's writings not only formed the bedrock of the descriptive analytical study of chimpanzees, they also altered the paradigm of the study of culture in chimpanzees and other animals, especially species with complex social behaviors;

Whereas in support of the research she began, and to advance her vision, Dr. Goodall established the Gombe Stream Research Center in 1965 and the Jane Goodall Institute in 1977;

Whereas researchers in many other institutions continue to carry out pathbreaking analyses related to chimpanzee behavior based on Dr. Goodall's original scientific work;

Whereas scientists continue to make new discoveries in the field of chimpanzee and wildlife studies today;

Whereas since 1986, Dr. Goodall has advocated for the conservation of chimpanzees and other species, for the protection of the natural world, for the care of chimpanzees and other animals in captivity, and for world peace;

Whereas Dr. Goodall travels the world approximately 300 days a year, delivering dozens of lectures and engaging with youth of all ages;

Whereas Dr. Goodall has been a leader in mobilizing community involvement in conservation and continues to practice and promote conservation efforts based on the important link between human welfare and environmental stewardship;

Whereas Dr. Goodall has received the highest honors in her field;

Whereas in 2008, she was awarded the Leakey Prize, the nation's most prestigious award in human evolutionary science;

Whereas the Leakey Prize has only been given 7 times in the past 4 decades;

Whereas in 2007, she received the Harvard Museum of Natural History's Roger Tory Peterson Medal, and in 1989, she received the Anthropologist of the Year Award;

Whereas in 1995, she received the National Geographic Society's Hubbard Medal ''for her extraordinary 35-year study of wild chimpanzees and for tirelessly defending the natural world we share'';

Whereas Dr. Goodall's numerous honors include the Medal of Tanzania, Japan's prestigious Kyoto Prize, the Benjamin Franklin Medal in Life Science, the United Nations Educational, Scientific and Cultural Organization's 60th Anniversary Medal, the Gandhi-King Award for Nonviolence, the Albert Schweitzer Award of the Animal Welfare Institute, the Encyclopedia Britannica Award for Excellence on the Dissemination of Learning for the Benefit of Mankind, and the French Legion of Honor, which was presented to her in Paris in 2004 by Prime Minister Dominique de Villepin;

Whereas in April 2002, United Nations Secretary-General Kofi Annan named Dr. Goodall a United Nations Messenger of Peace;

Whereas such Messengers help mobilize the public to become involved in work that makes the world a better place, serving as advocates in such areas as poverty eradication, human rights, peace and conflict resolution, HIV/AIDS, community development, and conservation;

Whereas upon becoming the new United Nations Secretary-General, Ban Ki-moon continued her appointment;

Whereas in 2004, in a ceremony at Buckingham Palace, Prince Charles invested Dr. Goodall as a Dame of the British Empire, the female equivalent of knighthood;

Whereas during the last half of the 20th century, she blazed a trail for and inspired other women primatologists, such that women now dominate long-term primate behavioral studies worldwide;

Whereas Dr. Goodall has been a role model for youth of all ages, inspiring boys and girls alike to take action for people, animals, and the environment; and

Whereas through her Jane Goodall Institute, she established the Roots & Shoots global youth program, which now has members in more than 120 countries: Now, therefore, be it

*Resolved*, That the United States Senate recognizes—

(1) the 50th anniversary of the beginning of Dr. Jane Goodall's work in what is now Tanzania, Africa, as significant in scientific history;

(2) the significant role that Dr. Goodall's work and scientific study have had on our knowledge and understanding of both the natural and human worlds; and

(3) recognizes the positive role that Dr. Goodall's work and research have had in education, science, and conservation alike.

Mr. UDALL of New Mexico. Mr. President, today I stand to recognize one of the greatest scientists and leaders of our time and to introduce a resolution honoring the educational and scientific significance of Dr. Jane Goodall on this the 50th anniversary of her first day's work in what is now Tanzania.

Fifty years ago today, Jane Goodall, a young and ambitious scientist, first set foot on the shores of Lake Tanganyika to begin her research under the direction of Dr. Louis Leakey. In the ensuing years, Dr. Goodall became the world's expert on chimpanzees. She had numerous groundbreaking discoveries. She published articles and books that remain the foundational scientific works on chimpanzee and wildlife studies. She established the Gombe Stream Research Center and the Jane Goodall Institute to support further research.

Jane has received many of the highest honors in her field and has become a prominent advocate for international conservation and peace. Consequently, she has been recognized and honored by political leaders and kings and queens throughout the world. The resolution I submit today recognizes Dr. Goodall for her past, present, and future contributions in the fields of science and conservation.

Beyond her incredible knowledge and skills in the sciences, Dr. Jane Goodall is an amazing human being. Her love of others and of the living things around her is what I believe drove her to achieve such great successes. Anyone

who hears her speak can feel her sincere adoration for the chimpanzees to which she dedicated her life. It is that love and drive that have made Dr. Goodall world-renowned in her field and admired and beloved throughout the world.

I imagine the ambitious young Jane, who boldly set out on the shores of Lake Tanganyika, was much like the many inspired young people who now work for her and with her. Across the globe, the same hope and inspiration that took Jane into the jungles of Africa now drive thousands of young people to organize conservation and community programs through the Roots and Shoots program which was founded in 1991. These young people care about their communities, their natural resources, and about the living things around them. They, like the young Jane Goodall, want to make a difference in the world, and they strive every day in their own lives to be a catalyst for positive change.

I believe Jane's focus on encouraging young people is one of her greatest accomplishments. Through her own experience as a young scientist, she knows the strength of the connection young people develop with nature if they have the opportunity. We live in a world where many young people have no connection to the natural world or to their community—a world where urban areas lack any connection to the rhythms of nature, where video games and indoor activities predominate, where a sense of community is absent. A generation lacking that connection is doomed to failing. Jane saw the need to connect them. She saw the need to inspire them. Roots and Shoots provides that crucial connection.

Dr. Goodall's work with young activists does not focus on one area of the world or on one issue of significance; her Roots and Shoots program is in 120 different countries. Young people from preschool through college gather in classrooms, nature centers, refugee camps, zoos, and many other places to identify issues that concern them, and then they act. And, boy, do they act. They are a force for positive change.

We thank Jane Goodall for all her contributions to making this a better world.

We know that when one person in a community ignites positive action, it is contagious. When each community works for positive change, they connect. Community efforts become national endeavors. And nations take action on a global scale. The world becomes a better place—one person at a time.

With the help of student leaders and adult mentors, these young people create hands-on projects to address the issues impacting their homes and communities. Over the past two decades, tens of thousands of young people have formed a network across the globe and are building upon Dr. Jane Goodall's legacy of positive change in the world. This is a network of hope and a generation of positive actors. Thanks to their young and active hearts, our world will thrive into the future.

For 50 years, Dr. Goodall has worked to expand and improve our world. Her work has spread so widely that Jane Goodall is a household name. And with that name, young people from America to Africa and all around the globe learn the wonders of the natural world and our link to the creatures around us, including Dr. Goodall's beloved chimpanzees.

Dr. Goodall recognizes the power that each person has to make positive change. She is a brilliant example of the great things that are possible when one young person connects with the natural world and is inspired to make a difference.

Today, I honor my good friend Dr. Jane Goodall. I ask my colleagues to do the same. And I thank her for her example, and for her confidence in the immense power that young people have to improve the future.

Let us all work together to make positive change in our communities and support coming generations in their creative and noble ambitions.

## SENATE RESOLUTION 582—RECOGNIZING THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF THE BRITISH PETROLEUM OIL SPILL ON THE PEOPLE OF THE GULF COAST AND THEIR WAY OF LIFE AND URGING BRITISH PETROLEUM TO GIVE ALL DUE CONSIDERATION TO OFFERS OF ASSISTANCE, PRODUCTS, OR SERVICES FROM THE STATES DIRECTLY IMPACTED BY THE DEEPWATER HORIZON OIL SPILL

Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 582

Whereas on April 20, 2010, the Mobile Drilling Unit Deepwater Horizon experienced a tragic explosion, resulting in the loss of 11 men;

Whereas the explosion resulted in the sinking of the Mobile Drilling Unit Deepwater Horizon and a discharge of hydrocarbons from the Macondo well;

Whereas since the tragic day of April 20, 2010 it is estimated that more than 2,500,000 barrels of oil have flowed into the Gulf of Mexico;

Whereas resources such as fishing, tourism, shipping, and energy exploration in the Gulf of Mexico generally account for over $200,000,000,000 in economic activity each year;

Whereas the release of oil has caused a Federal fishery closure since May 2, 2010, which has encompassed up to 37 percent of the Gulf of Mexico exclusive economic zone;

Whereas the impact on the Gulf Coast economy has amounted to over $175,000,000 in reported claims to date;

Whereas tourism is down significantly on the Gulf Coast as a result of the oil spill;

Whereas the workforce in Louisiana, Mississippi, Alabama, Florida, and Texas has been negatively impacted as a result of the oil spill; and

Whereas Federal disaster response procurement law recognizes a preference for local firms in the award of contracts for disaster relief activities: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the impact of the Deepwater Horizon oil spill on the way of life, economy, and natural resources of the Gulf Coast States;

(2) supports the continued public and private efforts to stop the oil spill, mitigate further damage to our treasured Gulf Coast, and clean up of this environmental disaster; and

(3) urges British Petroleum (BP) to give all due consideration to individuals, businesses, and organizations of the States directly impacted by the Deepwater Horizon oil spill where practicable, as BP considers services or products related to ongoing efforts in the Gulf of Mexico associated with this tragic oil spill.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4465. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4466. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4467. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4468. Mr. BENNET (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4470. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4471. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4472. Mr. CARPER (for himself, Mr. BUNNING, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4473. Mr. CARPER (for himself, Mr. BUNNING, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU,

and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4474. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4475. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4476. Mrs. HUTCHISON (for herself and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4465.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

**PART V—OTHER PROVISIONS**

**SEC. _____. SPECIAL INVESTMENT RULE FOR CERTAIN QUALIFIED NEW YORK LIBERTY BOND PROCEEDS.**

For purposes of section 149(g) of the Internal Revenue Code of 1986, the proceeds of any qualified New York Liberty Bond (as defined in section 1400L(d)(2)) issued after September 30, 2009, and before January 1, 2010, which are invested in United States Treasury Obligations – State and Local Government Series shall be treated as invested in bonds described in paragraph (3)(B)(i) of such section.

**SA 4466.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

**PART V—OTHER PROVISIONS**

**SEC. _____. CHARITABLE DEDUCTION FOR COSTS ASSOCIATED WITH DONATIONS OF WILD GAME MEAT.**

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULE FOR CONTRIBUTIONS OF WILD GAME MEAT.—

''(A) IN GENERAL.—In the case of a charitable contribution by an individual of qualified wild game meat, the amount of such contribution otherwise taken into account under this section (after the application of paragraph (1)(A)) shall be increased by the amount of the qualified processing fees paid with respect to such contribution.

''(B) QUALIFIED WILD GAME MEAT.—For purposes of this paragraph, the term 'qualified wild game meat' means the meat of any animal which is typically used for human consumption, but only if—

''(i) such animal is killed in the wild by the individual making the charitable contribution of such meat (not including animals raised on a farm for the purpose of sport hunting),

''(ii) such animal is hunted or taken in accordance with all State and local laws and regulations, including season and size restrictions,

''(iii) such meat is processed for human consumption by a processor which is licensed for such purpose under the appropriate Federal, State, and local laws and regulations and which is in compliance with all such laws and regulations, and

''(iv) such meat is apparently wholesome (under regulations similar to the regulations under section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act).

''(C) QUALIFIED PROCESSING FEE.—For purposes of this paragraph, the term 'qualified processing fee' means any fee or charge paid to a processor which fulfills the requirements of subparagraph (B)(iii) for the purpose of processing wild game meat, but only to the extent that such meat is donated as a charitable contribution under this section.''.

(b) EXCLUSION OF PROCESSOR'S INCOME FROM TAX EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before section 140 the following new section:

**''SEC. 139F. CERTAIN INCOME RECEIVED FROM CHARITABLE ORGANIZATIONS.**

''(a) IN GENERAL.—Gross income of a qualified meat processor shall not include any amount paid to such processor as a qualified processing fee by a charitable organization for the processing of donated wild game meat.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED MEAT PROCESSOR.—The term 'qualified meat processor' means a processor which fulfills the requirements of section 170(e)(8)(B)(iii).

''(2) CHARITABLE ORGANIZATION.—The term 'charitable organization' means an entity to which a charitable contribution may be made under section 170(c) and the charitable purpose of which is to provide free food to individuals in need of food assistance.

''(3) DONATED WILD GAME MEAT.—The term 'donated wild game meat' means qualified wild game meat (as defined in section 170(e)(8)(B), without regard to clause (iii) thereof) which is received as a charitable contribution (as defined in section 170(c)) by a charitable organization.

''(4) QUALIFIED PROCESSING FEE.—The term 'qualified processing fee' means any fee or charge paid to a qualified meat processor for the purpose of processing donated wild game meat.''.

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

''Sec. 139F. Certain income received from tax exempt organizations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to donations made, and fees received, after the date of the enactment of this Act.

**SA 4467.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

**PART V—OTHER PROVISIONS**

**SEC. _____. MODIFICATION OF EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS.**

(a) IN GENERAL.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 is amended by inserting ''(1.39 percent in the case of taxable years beginning before January 1, 2015)'' after ''2 percent''.

(b) TEMPORARY ELIMINATION OF REDUCED TAX WHERE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Subsection (e) of section 4940 of such Code is amended by adding at the end the following new paragraph:

''(7) APPLICATION.—Paragraph (1) shall not apply for any taxable year beginning after December 31, 2009, and before January 1, 2015.''.

(c) STUDY.—Not later than December 31, 2013, the Secretary of the Treasury shall conduct and submit to the Congress a study which examines the effect of the change in the rate of tax under section 4940 of the Internal Revenue Code of 1986 (as amended by this section) has on the level of grantmaking by private foundations.

**SA 4468.** Mr. BENNET (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

**SEC. 1137. TARGETED SMALL BUSINESS LENDING PILOT PROGRAM.**

(a) IN GENERAL.—Section 23 of the Small Business Act (15 U.S.C. 650) is amended by adding at the end the following:

''(k) TARGETED SMALL BUSINESS LENDING PILOT PROGRAM.—

''(1) PURPOSE.—The purpose of the targeted small business lending pilot program is to increase the lending activity of small business lending companies to small business concerns operating in low-income communities.

''(2) DEFINITIONS.—In this subsection:

''(A) LOW-INCOME COMMUNITY.—The term 'low-income community' means a low-income community within the meaning of section 45D(e) of the Internal Revenue Code of 1986 (relating to the new markets tax credit).

''(B) TARGETED SMALL BUSINESS LENDING COMPANY.—The term 'targeted small business

lending company' means a business concern—

''(i) described in section 3(r)(1), without regard to whether the business concern was authorized to make loans under section 7(a) before the date on which the Administrator authorizes the business concern to make the loans under this subsection;

''(ii) that has a primary mission of serving or providing investment capital for low-income communities, low-income persons, or businesses located in low-income communities;

''(iii) that maintains accountability to low-income communities through participation of representatives of the communities on a governing or an advisory board to the business concern;

''(iv) that has a demonstrated ability, directly or through a controlling entity, to make loans to businesses in low-income communities; and

''(v) that makes substantially all of the loans made by the business concern to businesses operating in low-income communities.

''(3) ESTABLISHMENT.—There is established a targeted small business lending pilot program, under which the Administrator—

''(A) shall authorize not more than 12 targeted small business lending companies to make loans under section 7(a); and

''(B) may not charge a fee relating to an authorization under subparagraph (A).

''(4) SAFETY AND SOUNDNESS REQUIREMENTS.—

''(A) PROHIBITION ON SALE OF AUTHORIZATION.—A targeted small business lending company may not sell the authorization of the targeted small business lending company to make loans under section 7(a).

''(B) GAO REVIEW.—During the 2-year period beginning on the date of enactment of this subsection, the Comptroller General of the United States shall—

''(i) review the oversight of targeted small business lending companies by the Administration; and

''(ii) submit periodic reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review under clause (i).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(r)(1) of the Small Business Act (15 U.S.C. 632(r)(1)) is amended by inserting '', including a targeted small business lending company authorized under section 23(k)'' before the period at the end.

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**SA 4469.** Mr. DEMINT submitted an amendment intended to be proposed by him to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. TERMINATION OF CONSERVATORSHIPS AND DISSOLUTION OF CERTAIN GSES.**

(a) SHORT TITLE.—This section may be cited as the ''GSE Bailout Elimination and Taxpayer Protection Act''.

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CHARTER.—The term ''charter'' means—

(A) with respect to the Federal National Mortgage Association, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); and

(B) with respect to the Federal Home Loan Mortgage Corporation, the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Housing Finance Agency.

(3) ENTERPRISE.—The term ''enterprise'' means—

(A) the Federal National Mortgage Association; and

(B) the Federal Home Loan Mortgage Corporation.

(4) GUARANTEE.—The term ''guarantee'' means, with respect to an enterprise, the credit support of the enterprise that is provided by the Federal Government through its charter as a government-sponsored enterprise.

(c) TERMINATION OF CURRENT CONSERVATORSHIP.—

(1) IN GENERAL.—Upon the expiration of the period referred to in paragraph (2), the Director of the Federal Housing Finance Agency shall determine, with respect to each enterprise, if the enterprise is financially viable at that time and—

(A) if the Director determines that the enterprise is financially viable, immediately take all actions necessary to terminate the conservatorship for the enterprise that is in effect pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617); or

(B) if the Director determines that the enterprise is not financially viable, immediately appoint the Federal Housing Finance Agency as receiver under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, and carry out such receivership under the authority of that section 1367.

(2) TIMING.—The period referred to in this paragraph is, with respect to an enterprise—

(A) except as provided in subparagraph (B), the 24-month beginning upon the date of enactment of this Act; or

(B) if the Director determines before the expiration of the period referred to in subparagraph (A) that the financial markets would be adversely affected without the extension of such period with respect to that enterprise, and upon making such determination notifies Congress in writing of such determination, the 30-month period beginning upon the date of enactment of this Act.

(3) FINANCIAL VIABILITY.—The Director may not determine that an enterprise is financially viable for purposes of paragraph (1) if the Director determines that any of the conditions for receivership set forth in paragraph (3) or (4) of section 1367(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(a)) exists at the time with respect to the enterprise.

(d) LIMITATION OF ENTERPRISE AUTHORITY UPON EMERGENCE FROM CONSERVATORSHIP.—

(1) REVISED AUTHORITY.—Upon the expiration of the period referred to in subsection (c)(2), if the Director makes the determination under subsection (c)(1)(A), the following provisions shall take effect:

(A) REPEAL OF HOUSING GOALS.—

(i) REPEAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by striking sections 1331 through 1336 (12 U.S.C. 4561–4566).

(ii) CONFORMING AMENDMENTS.—Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(I) in section 1303(28) (12 U.S.C. 4502(28)), by striking ''and, for the purposes'' and all that follows through ''designated disaster areas'';

(II) in section 1324(b)(1)(A) (12 U.S.C. 4544(b)(1)(A))—

(aa) by striking clauses (i), (ii), and (iv);

(bb) in clause (iii), by inserting ''and'' after the semicolon at the end; and

(cc) by redesignating clauses (iii) and (v) as clauses (i) and (ii), respectively;

(III) in section 1338(c)(10) (12 U.S.C. 4568(c)(10)), by striking subparagraph (E);

(IV) in section 1339(h) (12 U.S.C. 4569), by striking paragraph (7);

(V) in section 1341 (12 U.S.C. 4581)—

(aa) in subsection (a)—

(AA) in paragraph (1), by inserting ''or'' after the semicolon at the end;

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

(CC) by striking paragraphs (3) and (4); and

(bb) in subsection (b)(2)—

(AA) in subparagraph (A), by inserting ''or'' after the semicolon at the end;

(BB) by striking subparagraphs (B) and (C); and

(CC) by redesignating subparagraph (D) as subparagraph (B);

(VI) in section 1345(a) (12 U.S.C. 4585(a))—

(aa) in paragraph (1), by inserting ''or'' after the semicolon at the end;

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

(cc) by striking paragraphs (3) and (4); and

(VII) in section 1371(a)(2) (12 U.S.C. 4631(a)(2))—

(aa) by striking ''with any housing goal established under subpart B of part 2 of subtitle A of this title,''; and

(bb) by striking ''section 1336 or''.

(B) PORTFOLIO LIMITATIONS.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended by adding at the end the following:

**''SEC. 1369E. RESTRICTION ON MORTGAGE ASSETS OF ENTERPRISES.**

''(a) RESTRICTION.—No enterprise shall own, as of any applicable date in this subsection or thereafter, mortgage assets in excess of—

''(1) upon the expiration of the period referred to in subsection (c)(2) of the GSE Bailout Elimination and Taxpayer Protection Act or thereafter, $850,000,000,000;

''(2) upon the expiration of the 1-year period that begins on the date described in paragraph (1) or thereafter, $700,000,000,000;

''(3) upon the expiration of the 2-year period that begins on the date described in paragraph (1) or thereafter, $500,000,000,000; and

''(4) upon the expiration of the 3-year period that begins on the date described in paragraph (1), $250,000,000,000.

''(b) DEFINITION OF MORTGAGE ASSETS.—For purposes of this section, the term 'mortgage assets' means, with respect to an enterprise, assets of such enterprise consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent that such assets would appear on the balance sheet of such enterprise in accordance with generally accepted accounting principles in effect in the United States as of September 7, 2008 (as set forth in the opinions and pronouncements of the Accounting Principles Board and the American Institute of Certified Public Accountants and statements and pronouncements of the Financial Accounting Standards Board from time to time; and without giving any effect to any change that may be made after September 7, 2008, in respect of Statement of Financial Accounting Standards No. 140 or any similar accounting standard).''.

(C) INCREASE IN MINIMUM CAPITAL REQUIREMENT.—Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612), as amended by

section 1111 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is amended—

(i) in subsection (a), by striking ''For purposes of this subtitle, the minimum capital level for each enterprise shall be'' and inserting ''The minimum capital level established under subsection (g) for each enterprise may not be lower than'';

(ii) in subsection (c)—

(I) by striking ''subsections (a) and'' and inserting ''subsection'';

(II) by striking ''regulated entities'' the first place that term appears and inserting ''Federal Home Loan Banks'';

(III) by striking ''for the enterprises,'';

(IV) by striking '', or for both the enterprises and the banks,'';

(V) by striking ''the level specified in subsection (a) for the enterprises or''; and

(VI) by striking ''the regulated entities operate'' and inserting ''such banks operate'';

(iii) in subsection (d)(1)—

(I) by striking ''subsections (a) and'' and inserting ''subsection''; and

(II) by striking ''regulated entity'' each place that term appears and inserting ''Federal home loan bank'';

(iv) in subsection (e), by striking ''regulated entity'' each place that term appears and inserting ''Federal home loan bank'';

(v) in subsection (f)—

(I) by striking ''the amount of core capital maintained by the enterprises,''; and

(II) by striking ''regulated entities'' and inserting ''banks''; and

(vi) by adding at the end the following new subsection:

''(g) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—

''(1) IN GENERAL.—The Director shall cause the enterprises to achieve and maintain adequate capital by establishing minimum levels of capital for such enterprises, and by using such other methods as the Director deems appropriate.

''(2) AUTHORITY.—The Director shall have the authority to establish such minimum level of capital for an enterprise in excess of the level specified under subsection (a) as the Director, in the discretion of the Director, deems to be necessary or appropriate in light of the particular circumstances of the enterprise.

''(h) FAILURE TO MAINTAIN REVISED MINIMUM CAPITAL LEVELS.—

''(1) UNSAFE AND UNSOUND PRACTICE OR CONDITION.—Failure of a enterprise to maintain capital at or above its minimum level as established pursuant to subsection (g) of this section may be deemed by the Director, in his discretion, to constitute an unsafe and unsound practice or condition within the meaning of this title.

''(2) DIRECTIVE TO ACHIEVE CAPITAL LEVEL.—

''(A) AUTHORITY.—In addition to, or in lieu of, any other action authorized by law, including paragraph (1), the Director may issue a directive to an enterprise that fails to maintain capital at or above its required level as established pursuant to subsection (g).

''(B) PLAN.—Such directive may require the enterprise to submit and adhere to a plan acceptable to the Director describing the means and timing by which the enterprise shall achieve its required capital level.

''(C) ENFORCEMENT.—Any directive issued pursuant to this paragraph, including plans submitted pursuant thereto, shall be enforceable under the provisions of subtitle C, to the same extent as an effective and outstanding order issued pursuant to subtitle C which has become final.

''(3) ADHERENCE TO PLAN.—

''(A) CONSIDERATION.—The Director may consider the progress of an enterprise in adhering to any plan required under this subsection whenever such enterprise seeks the requisite approval of the Director for any proposal which would divert earnings, diminish capital, or otherwise impede the progress of the enterprise in achieving its minimum capital level.

''(B) DENIAL.—The Director may deny such approval where the Director determines that such proposal would adversely affect the ability of the enterprise to comply with such plan.''.

(D) REPEAL OF INCREASES TO CONFORMING LOAN LIMITS.—

(i) REPEAL OF TEMPORARY INCREASES.—

(I) CONTINUING APPROPRIATIONS RESOLUTION, 2010.—Section 167 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111–88; 123 Stat. 2973) is hereby repealed.

(II) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 1203 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 225) is hereby repealed.

(III) ECONOMIC STIMULUS ACT OF 2008.—Section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619) is hereby repealed.

(ii) REPEAL OF GENERAL LIMIT AND PERMANENT HIGH-COST AREA INCREASE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) are each amended to read as such sections were in effect immediately before the date of enactment of the Housing and Economic Recovery Act of 2008 (Public Law 110–289).

(iii) REPEAL OF NEW HOUSING PRICE INDEX.—Section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1124(d) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is hereby repealed.

(iv) REPEAL.—Section 1124 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is hereby repealed.

(v) ESTABLISHMENT OF CONFORMING LOAN LIMIT.—For the year in which the expiration of the period referred to in subsection (c)(2) occurs, the limitations governing the maximum original principal obligation of conventional mortgages that may be purchased by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, referred to in section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively, shall be considered to be—

(I) $417,000 for a mortgage secured by a single-family residence;

(II) $533,850 for a mortgage secured by a 2-family residence;

(III) $645,300 for a mortgage secured by a 3-family residence; and

(IV) $801,950 for a mortgage secured by a 4-family residence.

(vi) ANNUAL ADJUSTMENTS.—The limits established under clause (v) shall be adjusted effective each January 1 after the period referred to in clause (v), in accordance with such sections 302(b)(2) and 305(a)(2).

(vii) PROHIBITION OF PURCHASE OF MORTGAGES EXCEEDING MEDIAN AREA HOME PRICE.—

(I) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding at the end the following: ''Notwithstanding any other provision of this title, the corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(II) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by adding at the end the following: ''Notwithstanding any other provision of this title, the Corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(E) REQUIREMENT OF MINIMUM DOWNPAYMENT FOR MORTGAGES PURCHASED.—

(i) FANNIE MAE.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following:

''(7) Notwithstanding any other provision of this Act, the corporation may not newly purchase any mortgage unless the mortgagor has paid, in cash or its equivalent on account of the property securing repayment such mortgage, in accordance with regulations issued by the Director of the Federal Housing Finance Agency, not less than—

''(A) for any mortgage purchased during the 12-month period beginning upon the expiration of the period referred to in section 3(b) of the GSE Bailout Elimination and Taxpayer Protection Act, 5 percent of the appraised value of the property;

''(B) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (A) of this paragraph, 7.5 percent of the appraised value of the property; and

''(C) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (B) of this paragraph, 10 percent of the appraised value of the property.''.

(ii) FREDDIE MAC.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following:

''(6) Notwithstanding any other provision of this Act, the Corporation may not newly purchase any mortgage unless the mortgagor has paid, in cash or its equivalent on account of the property securing repayment such mortgage, in accordance with regulations issued by the Director of the Federal Housing Finance Agency, not less than—

''(A) for any mortgage purchased during the 12-month period beginning upon the expiration of the period referred to in section 3(b) of the GSE Bailout Elimination and Taxpayer Protection Act, 5 percent of the appraised value of the property;

''(B) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (A) of this paragraph, 7.5 percent of the appraised value of the property; and

''(C) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (B) of this paragraph, 10 percent of the appraised value of the property.''.

(F) REQUIREMENT TO PAY STATE AND LOCAL TAXES.—

(i) FANNIE MAE.—Paragraph (2) of section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)(2)) is amended—

(I) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(II) by striking ''except that any'' and inserting ''and any''.

(ii) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended—

(I) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(II) by striking ''except that any'' and inserting ''and any''.

(G) REPEALS RELATING TO REGISTRATION OF SECURITIES.—

(i) FANNIE MAE.—

(I) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence.

(II) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence.

(ii) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by striking subsection (g).

(H) RECOUPMENT OF COSTS FOR FEDERAL GUARANTEE.—

(i) ASSESSMENTS.—The Director of the Federal Housing Finance Agency shall establish and collect from each enterprise assessments in the amount determined under subparagraph (B). In determining the method and timing for making such assessments, the Director shall take into consideration the determinations and conclusions of the study under paragraph (2).

(ii) DETERMINATION OF COSTS OF GUARANTEE.—Assessments under clause (i) with respect to an enterprise shall be in such amount as the Director determines necessary to recoup to the Federal Government the full value of the benefit the enterprise receives from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprise, based upon the dollar value of such benefit in the market to such enterprise when not operating under conservatorship or receivership. To determine such amount, the Director shall establish a risk-based pricing mechanism as the Director considers appropriate, taking into consideration the determinations and conclusions of the study under paragraph (2).

(iii) TREATMENT OF RECOUPED AMOUNTS.—The Director shall cover into the General Fund of the Treasury any amounts received from assessments made under this subparagraph.

(2) GAO STUDY REGARDING RECOUPMENT OF COSTS FOR FEDERAL GOVERNMENT GUARANTEE.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine a risk-based pricing mechanism to accurately determine the value of the benefit that the enterprises receive from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprises.

(B) STUDY REQUIREMENTS.—The study required by this paragraph shall—

(i) establish a dollar value of such benefit in the market to each enterprise when not operating under conservatorship or receivership;

(ii) analyze various methods of the Federal Government assessing a charge for such value received (including methods involving an annual fee or a fee for each mortgage purchased or securitized); and

(iii) include a recommendation of the best such method for assessing such charge.

(C) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report setting forth the determinations and conclusions of the study required by this paragraph.

(e) REQUIRED WIND DOWN OF OPERATIONS AND DISSOLUTION OF ENTERPRISE.—

(1) APPLICABILITY.—This subsection shall apply to an enterprise upon the expiration of the 3-year period beginning at the end of the time period in subsection (c)(2).

(2) REPEAL OF CHARTER.—Upon the applicability of this subsection to an enterprise, the charter for the enterprise is repealed, and the enterprise shall have no authority to conduct new business under such charter, except that the provisions of such charter in effect immediately before such repeal shall continue to apply with respect to the rights and obligations of any holders of outstanding debt obligations and mortgage-backed securities of the enterprise.

(3) WIND DOWN.—Upon the applicability of this subsection to an enterprise, the Director and the Secretary of the Treasury shall jointly take such action, and may prescribe such regulations and procedures, as may be necessary to wind down the operations of an enterprise as an entity chartered by the United States Government over the duration of the 10-year period beginning upon the applicability of this subsection to the enterprise (pursuant to paragraph (1)) in an orderly manner, consistent with this section, and the ongoing obligations of the enterprise.

(4) DIVISION OF ASSETS AND LIABILITIES; AUTHORITY TO ESTABLISH HOLDING CORPORATION AND DISSOLUTION TRUST FUND.—The action and procedures required under paragraph (3)—

(A) shall include the establishment and execution of plans to provide for an equitable division and distribution of assets and liabilities of the enterprise, including any liability of the enterprise to the United States Government or a Federal reserve bank that may continue after the end of the period described in paragraph (1); and

(B) may provide for establishment of—

(i) a holding corporation organized under the laws of any State of the United States or the District of Columbia for the purposes of the reorganization and restructuring of the enterprise; and

(ii) one or more trusts to which to transfer—

(I) remaining debt obligations of the enterprise, for the benefit of holders of such remaining obligations; or

(II) remaining mortgages held for the purpose of backing mortgage-backed securities, for the benefit of holders of such remaining securities.

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**SA 4470.** Mr. BENNET submitted an amendment intended to be proposed by him to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EXPEDITING PATENT APPLICATIONS OF SMALL ENTITIES.**

(a) FUNDING FOR EXPEDITING PATENT APPLICATIONS OF SMALL ENTITIES.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000, to the Department of Commerce for the appropriations account under the heading ''SALARIES AND EXPENSES'' under the heading ''UNITED STATES PATENT AND TRADEMARK OFFICE'' for expediting patent applications of small entities, as defined under section 1.27 of the Patent Rules under the Manual of Patent Examining Procedure as in effect on the date of enactment of this Act.

(b) RESCISSION.—Of the unobligated amounts appropriated to the Department of Defense in the account ''Other Procurement, Army, 2008/2010'', $10,000,000 are rescinded.

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**SA 4471.** Mr. CORNYN submitted an amendment intended to be proposed by him to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.**

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading ''Social Services Block Grant'' under chapter 7 of division B of Public Law 110–329, shall remain available for expenditure through September 30, 2012.

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**SA 4472.** Mr. CARPER (for himself, Mr. BUNNING, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, line 3, strike the period and insert the following:

'', and

''(D) any sprinkler system classified under one or more of the following:

''(i) National Fire Protection Association 13, Installation of Sprinkler Systems.

''(ii) National Fire Protection Association 13 D, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes or International Residential Code Section P2904, Dwelling Unit Fire Sprinkler Systems.

''(iii) National Fire Protection Association 13 R, Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.''.

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**SA 4473.** Mr. CARPER (for himself, Mr. BUNNING, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, insert the following:

**SEC. _____. CLASSIFICATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS.**

(a) IN GENERAL.—Subparagraph (E) of section 168(e)(3) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (viii), by striking the period at the end of clause (ix) and inserting '', and'', and by adding at the end the following:

''(x) any automated fire sprinkler system acquired by the taxpayer under a written binding contract entered into during the 1-year period beginning on the date of the enactment of this clause and placed in service during the 2-year period beginning on such date, in a building or structure which was placed in service before such date.''.

(b) APPLICABLE DEPRECIATION METHOD.—Paragraph (3) of section 168(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(J) Automated fire sprinkler system described in subsection (e)(3)(E)(x).''.

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (E)(ix) the following:

''(E)(x) ..... 39''.

(d) DEFINITION OF AUTOMATIC FIRE SPRINKLER SYSTEM.—Subsection (i) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(20) AUTOMATED FIRE SPRINKLER SYSTEM.—The term 'automated fire sprinkler system' means those sprinkler systems classified under one or more of the following:

''(A) National Fire Protection Association 13, Installation of Sprinkler Systems.

''(B) National Fire Protection Association 13 D, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes or International Residential Code Section P2904, Dwelling Unit Fire Sprinkler Systems.

''(C) National Fire Protection Association 13 R, Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

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**SA 4474.** Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PLAIN WRITING.**

(a) SHORT TITLE.—This section may be cited as the ''Plain Writing Act of 2010''.

(b) PURPOSE.—The purpose of this section 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.

(c) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) COVERED DOCUMENT.—The term ''covered document''—

(A) means any document that—

(i) is relevant to obtaining any Federal Government benefit or service or filing taxes;

(ii) provides information about any Federal Government benefit or service; or

(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces;

(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.

(d) RESPONSIBILITIES OF FEDERAL AGENCIES.—

(1) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

(A) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the head of each agency shall—

(i) designate 1 or more senior officials within the agency to oversee the agency implementation of this section;

(ii) communicate the requirements of this section to the employees of the agency;

(iii) train employees of the agency in plain writing;

(iv) establish a process for overseeing the ongoing compliance of the agency with the requirements of this section;

(v) create and maintain a plain writing section of the agency's website that is accessible from the homepage of the agency's website; and

(vi) designate 1 or more agency points-of-contact to receive and respond to public input on—

(I) agency implementation of this section; and

(II) the agency reports required under subsection (e).

(B) WEBSITE.—The plain writing section described under subparagraph (A)(v) shall—

(i) inform the public of agency compliance with the requirements of this section; and

(ii) provide a mechanism for the agency to receive and respond to public input on—

(I) agency implementation of this section; and

(II) the agency reports required under subsection (e).

(2) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Beginning not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(3) GUIDANCE.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop and issue guidance on implementing the requirements of this section. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance.

(B) INTERIM GUIDANCE.—Before the issuance of guidance under subparagraph (A), agencies may follow the guidance of—

(i) the writing guidelines developed by the Plain Language Action and Information Network; or

(ii) guidance provided by the head of the agency that is consistent with the guidelines referred to under clause (i).

(e) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 9 months after the date of enactment of this Act, 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 section.

(2) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this Act, 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 section.

(f) JUDICIAL REVIEW AND ENFORCEABILITY.—

(1) JUDICIAL REVIEW.—There shall be no judicial review of compliance or noncompliance with any provision of this section.

(2) ENFORCEABILITY.—No provision of this section shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

(g) BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS SECTION.—The budgetary effects of this section, 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 section, 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.

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**SA 4475.** Mr. SESSIONS submitted an amendment intended to be proposed by him to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**SEC. _____. DISCRETIONARY SPENDING LIMITS.**

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) LIMITS.—In this section, the term ''discretionary spending limits'' has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), $564,293,000,000 in budget authority; and

(B) for the nondefense category, $540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), $573,612,000,000 in budget authority; and

(B) for the nondefense category, $543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), $584,421,000,000 in budget authority; and

(B) for the nondefense category, $551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $50,000,000,000 in new budget authority.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, and for fiscal year 2013, $7,315,000,000.

(II) For fiscal year 2011, $899,000,000, for fiscal year 2012, and $908,000,000, for fiscal year 2013, $917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $276,000,000, for fiscal year 2012, $278,000,000, and for fiscal year 2013, $281,000,000.

(II) For fiscal year 2011, $490,000,000; for fiscal year 2012, and $495,000,000; for fiscal year 2013, $500,000,000.

(iii) ASSET VERIFICATION.—

(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) AMOUNTS.—For fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, and for fiscal year 2013, $35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, and for fiscal year 2013, $320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, $51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

(d) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new

budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a) and (e) may be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.

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**SA 4476.** Mrs. HUTCHISON (for herself and Mr. BAYH) submitted an amendment intended to be proposed by her to 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, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. __. SHAREHOLDER REGISTRATION THRESHOLD.**

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) SECTION 12.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 2000 persons or more; and

''(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more,''; and

(ii) by striking ''commerce shall'' and inserting ''commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by''; and

(B) in paragraph (4), by striking ''three hundred'' and inserting ''300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(2) SECTION 15.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(b) STUDY OF REGISTRATION THRESHOLDS.—

(1) STUDY.—

(A) ANALYSIS REQUIRED.—The Chief Economist and Director of the Division of Corporation Finance of the Commission shall jointly conduct a study, including a cost-benefit analysis, of shareholder registration thresholds.

(B) COSTS AND BENEFITS.—The cost-benefit analysis under subparagraph (A) shall take into account—

(i) the incremental benefits to investors of the increased disclosure that results from registration;

(ii) the incremental costs to issuers associated with registration and reporting requirements; and

(iii) the incremental administrative costs to the Commission associated with different thresholds.

(C) THRESHOLDS.—The cost-benefit analysis under subparagraph (A) shall evaluate whether it is advisable to—

(i) increase the asset threshold;

(ii) index the asset threshold to a measure of inflation;

(iii) increase the shareholder threshold;

(iv) change the shareholder threshold to be based on the number of beneficial owners; and

(v) create new thresholds based on other criteria.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Chief Economist and the Director of the Division of Corporation Finance of the Commission shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

(A) the findings of the study required under paragraph (1); and

(B) recommendations for statutory changes to improve the shareholder registration thresholds.

(c) RULEMAKING.—Not later than one year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 14, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Future of Individual Tax Rates: Effects on Economic Growth and Distribution.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 14, 2010, at 9:30 a.m., to hold a closed hearing entitled ''The New START Treaty (Treaty Doc. 111–5): Monitoring and Verification of Treaty compliance.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 14, 2010, at 2 p.m., to hold a hearing entitled ''Afghanistan: Governance and the Civilian Strategy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on July 14, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on July 14, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Evaluating The Justice Against Sponsors of Terrorism Act, S. 2930.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on July 14, 2010, at 3 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Marine Wealth: Promoting Conservation and Advancing American Exports.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, July 14, at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Stephen Hart, Sean Long, Cara Krueger, and Jesse Greenwald, of my staff, be granted the privilege of the floor for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Michael Adelman, Dylan Aluise, Tyler Blaser, Jeremy Bui, Michael Curto, Teddy Downe, Tim Fitzsimons, Sarah Flanagan, Oliver Hayes, Megan Keenan, Evan Kravitz, Alice Lu, Lena Peck, Mackie Reilly, Jamie Winchester, and Ben Yeo be granted floor privileges for the duration of the debate on the conference report to accompanying H.R. 4173, the Wall Street Reform and Consumer Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STEVE GOODMAN POST OFFICE BUILDING

## ZACHARY SMITH POST OFFICE BUILDING

## MICHAEL C. ROTHBERG POST OFFICE BUILDING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 450, 451, and 452; H.R. 4861, H.R. 5051, and H.R. 5099.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. LEVIN. I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 4861, H.R. 5051, H.R. 5099) were orderd to be read a third time, were read the third time, and passed.

## EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANT REAUTHORIZATION ACT OF 2009

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 223, S. 1288.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1288) to authorize appropriations for grants to the States participating in the Emergency Management Assistant Compact, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1288

*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 ''Emergency Management Assistance Compact Grant Reauthorization Act of 2009''.*

***SEC. 2. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.***

*Section 661(d) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761(d)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2010 through 2012''.*

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill, (S. 1288), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## MODIFYING DATE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 433, S. 3372.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3372) to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from percent vessels.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3372) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3372

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.**

Section 2(a) of Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking ''during the 2-year period beginning on the date of enactment of this Act'' and inserting ''during the period beginning on the date of the enactment of this Act and ending on December 18, 2013''.

## MEASURE READ THE FIRST TIME—S. 3588

Mr. LEVIN. Mr. President, I understand that there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3588) to limit the moratorium on certain permitting and drilling activities issued by the Secretary of the Interior, and for other purposes.

Mr. LEVIN. Mr. President, I ask for a second reading, and under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## ORDERS FOR THURSDAY, JULY 15, 2010

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 on Thursday, July 15; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the conference report to accompany H.R. 4173, the Wall Street reform bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. LEVIN. Mr. President, Senators should expect a rollcall vote at approximately 11 a.m. tomorrow. That vote will be on the motion to invoke cloture on the Wall Street reform conference report.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Thursday, July 15, 2010, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

VICTORIA FRANCES NOURSE, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE TERENCE T. EVANS, RETIRED.

MARCO A. HERNANDEZ, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE GARR M. KING, RETIRED.

BERYL ALAINE HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE PAUL L. FRIEDMAN, RETIRED.

STEVE C. JONES, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE ORINDA D. EVANS, RETIRED.

SUE E. MYERSCOUGH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JEANNE E. SCOTT, RESIGNED.

DIANA SALDANA, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE GEORGE P. KAZAN, RETIRED.

MICHAEL H. SIMON, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE ANCER L. HAGGERTY, RETIRED.

DEPARTMENT OF JUSTICE

CONRAD ERNEST CANDELARIA, OF NEW MEXICO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW

MEXICO FOR THE TERM OF FOUR YEARS, VICE GORDEN EDWARD EDEN, JR., TERM EXPIRED.

JAMES EDWARD CLARK, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE RONALD RICHARD MCCUBBIN, JR., TERM EXPIRED.

JOSEPH ANTHONY PAPILI, OF DELAWARE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS, VICE DAVID WILLIAM THOMAS, TERM EXPIRED.

JAMES ALFRED THOMPSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS, VICE RANDALL DEAN ANDERSON, TERM EXPIRED.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE SHELDON J. SPERLING, TERM EXPIRED.

JOSEPH H. HOGSETT, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE SUSAN W. BROOKS, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. WILLIAM T. COLLINS
COL. JAMES S. HARTSELL
COL. ROGER R. MACHUT
COL. MARCELA J. MONAHAN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

ILSE K. ALUMBAUGH
CRISTINA R. BAGAYMETCALF
KIMBERLIE A. BIEVER
SIMONA A. BLACK
REBECCA L. BLANKENSHIP
ROBIN R. BLIXT
KRISTIN A. BROWN
GLEN E. CARLSSON
DAVID A. CERVANTES
AMAL CHATILA
MICHAEL B. CLINE
LASHANDA C. COBBS
DEWEY R. COLLIER II
DONALD D. DENDY
CARLA M. DICKINSON
AMANDA R. FORRISTAL
XIOMARA I. FRAY
BETTY K. GARNER
JOHN J. GODESA
CLYDE L. HILL, JR.
KATHI J. HILL
KEITH F. HOLLIDAY
SUSAN G. HOPKINSON
CRYSTAL L. HOUSE
CONSTANCE L. JENKINS
HARRIET D. JOHNSON
LISA M. JOHNSON
MARJORIE A. JOHNSON
SAMUEL L. JONES, JR.
ROBERT E. KUTSCHMAN
ERIC J. LEWIS
KELLY J. LONGENECKER
MARK A. MACDOUGALL
ELIZABETH A. MANN
LEROY MARKLUND
JOHN J. MELVIN
KRISTAL C. MELVIN
JOHN F. MEYER, JR.
LISA E. MILLER
PAUL B. MITTELSTEADT
ANNE M. MITZAK
MICHAEL S. MURPHY
BEEBE A. NAYBACK
LEONETTA T. OLIPHANT
WENDY M. PERRY
DOUGLAS A. PHILLIPS
KYLEE V. PLUMMER
VICTORIA J. PREHN
KATHY PRESPER
CATHY L. PRICE
SHARON L. PURVIANCE
EVELYN J. QUAINE
CINDY S. RENAKER
JOAN K. RIORDAN
MELAINA E. SHARPE
ANGELA M. SIMMONS
JAMES E. SIMMONS
ANGELA L. STONE
ASTRID D. STURM
JOHN E. TAYLOR
BRIDGET R. TERWILLIGER
RUTH J. TIMMS
MAI T. TRAN
MELISSA A. WALLACE
BRETT L. WELDEN
HEIDI I. WHITESCARVER
MORRIS E. WILDER
CORY M. WILLIAMS
PAMELA M. WULF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

DERRON A. ALVES
MICHAEL R. BONHAGE
JENNIFER L. CHAPMAN
NICOLE A. CHEVALIER
REBECCA I. EVANS
CHRISTOPHER S. GAMBLE
JAMES T. GILES
MADONNA M. HIGGINS
KIMBERLY LAWLER
JOSEPH NOVAK, JR.
DOUGLAS S. OWENS
CARL I. SHAIA
DEIDRA J. SHUCKLEE
DEIDRE E. STOFFREGEN
MATT S. TAKARA
SAMUEL L. YINGST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

JENNIFER L. ANDERSON
RONALD M. ATKINSON, SR.
JAMES R. AUVIL
BARBARA J. BACHMAN
KEVIN R. BASS
JOHN D. BELEW
ENRICO Z. BERMUDEZ
DANIEL C. BRANT, JR.
LOLITA M. BURRELL
JONATHAN B. BUTLER
JENNIFER J. CAMP
JOSE E. CAPOAPONTE
ROBERTO CARDENAS
STACEY L. CAUSEY
DONALD J. CHAPMAN
CYNTHIA Y. CHILDRESS
WILLIAM D. CLYDE
NOEL A. CUFF
GAYLE DAVIS
WILLIE E. DAVIS
JAMES C. DEAK
FRED L. DELACRUZ
ALYSON M. DELANEY
SCOT A. DOBOSZENSKI
PATRICK A. DONAHUE
CURTIS W. DOUGLASS
CHRISTOPHER F. DRUM
ERIC C. DRYNAN
MARLA J. FERGUSON
DONALD E. FINE, JR.
JAMES T. FLANAGAN, JR.
RICHARD G. FORNILI
FRANCIS M. FOTA
TOBIAS J. GLISTER
JORDAN V. HENDERSON
SHARON L. HENDERSON
MICHAEL S. HOGAN
MICHAEL S. HUGHES
RALPH T. JENKINS
DEBORAH R. JOHNSON
THOMAS A. JONES
TATHETRA M. JOSEPH
DIRK D. LAFLEUR
KELLY M. LAUREL
JAMES E. LEE
EDWARD F. MANDRIL
DAVID A. MARQUEZ
TERRY M. MARTINEZ
ERIC M. MCCLUNG
JENNIFER J. MCDANNALD
DENNIS MCGURK
CHARLES O. MCKEITHEN, JR.
DEBRA J. MCNAMARA
ANTHONY A. MEADOR
CARZELL MIDDLETON
TODD J. MOULTRIE
SCOTT A. MOWER
NEIL I. NELSON
SCOTT H. NEWKIRK
ERIC J. NEWLAND
MATTHEW J. OTTING
ERIC E. POULSEN
ROBERT D. PRINS
JAMES L. REYNOLDS
JONATHAN C. RUWE
THERESA E. SAVILLE
BEVERLY S. SCOTT
DAVID W. SEED
AATIF M. SHEIKH
STEVEN E. SHIPLEY
DAVID L. SLONIKER
COREY L. SMALLS
JOHN P. STALEY
MARK A. STEVENS
GEORGE E. STOPPLECAMP
AUDRA L. TAYLOR
JOSEPH E. THEMANN
GEORGE W. THOMPSON III
CHRISTOPHER M. TODD
CHARLES L. UNRUH
ROY L. VERNON, JR.
JOHN D. VETTER
JOSEPH K. WEAVER
JONATHAN R. WEBB
EDWARD J. WEINBERG
RONALD J. WHALEN
JOHN E. WHITE
RICHARD A. WILSON
RAQUEL D. WRIGHT
DEREK O. ZITKO
D002473
D003890
D003940
D006711

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

EDWARD J. BENZ III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

PAUL W. CARDEN
DAVID A. FREEL
NORMAN W. GILL III
PAGE A. KARSTETER
JAMES T. MILLS III
JAMES T. SCHUMACHER, JR.
AMY J. TREVINO
JOHNNY R. VANDIVER
JOHN M. VONDRUSKA
SHERRY L. WOMACK

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

JARED A. BATTANI
KARL BRANDL
JODY D. BRONAUGH
WILLIAM H. BROWN
DAVID E. BYRNE
MICHAEL CANAVATI, JR.
MICHAEL J. CLUVER
CARL R. CRINGLE
ROBERT L. EDMONSON III
SEAN C. FLANAGAN
JOSEPH M. FONTENOT
PETER A. GAAL
LADONNA M. GORDON
JON S. HALL
TRACY L. HANSON
CHARLES D. LINNEMANN
MICHAEL R. MAZZONE
ROBERT J. MCDOWELL, JR.
JOSEPH B. MITZEN
ADAM J. PAPPAS
SETH A. RUMLER
JEREAD L. SINES
JAMES G. TUTHILL III
KATHRYN S. WIJNALDUM
MICHAEL A. WITHERILL
ROBERT D. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

VIRGINIA SKIBA

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on July 14, 2010 withdrawing from further Senate consideration the following nomination:

SUE E. MYERSCOUGH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JOE B. MCDADE, RETIRED, WHICH WAS SENT TO THE SENATE ON JUNE 17, 2010.

# EXTENSIONS OF REMARKS

## S. PRESTON WILLIAMS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. GRAVES of Missouri. Madam Speaker, it is with great pleasure that I rise today to recognize the outstanding service of Mr. S. Preston Williams of North Kansas City, Missouri. Mr. Williams has been awarded the Alexander Doniphan Community Service Award for carrying on Doniphan's legacy through a lifetime of service in the areas of military, law, conservation, and community involvement.

Mr. Williams proudly served our country in the United States Marine Corps during World War I. He served with the 3rd Marine Division in the South Pacific, seeing action in Bougainville, Guadalcanal, and Guam. Following his return to the United States, Mr. Williams continued to serve his country as an instructor at Camp Pendleton. He was released from service in December of 1945.

Mr. Williams is a distinguished leader in the legal profession. He is a former Assistant Prosecuting Attorney for Clay County and served as Assistant Attorney General under Missouri Governor John Dalton. He strongly supports the development of the legal profession through his membership in several Bar Associations. In 1998, he served as president of the Clay County Bar and in 1999, he was honored as Dean of the Bar by the Missouri Bar Association.

Mr. Williams is also involved in the conservation of wildlife. He is an avid member of Ducks Unlimited and served in leadership roles from 1979 until 1986. In February of this year, Ducks Unlimited named Mr. Williams the first recipient of the S. Preston Williams Conservation Award.

Mr. Williams is a strong figure in his local community. He has served as councilman in North Kansas City and has been president of the North Kansas City Historical Society. He received the North Kansas City High School Alumni Hall of Fame award in 2004. He has also served as a member of the Mayor's Corps of Progress and the Law Alumni Board of the University of Missouri-Kansas City.

Madam Speaker, I ask that you join me in applauding Mr. S. Preston Williams for his selfless acts of generosity through volunteerism. I know Mr. Williams's colleagues, family, and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his future endeavors.

## HONORING THE 20TH ANNIVERSARY OF THE AFFORDABLE HOUSING PROGRAM

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. HINCHEY. Madam Speaker, I rise today to honor the 20th anniversary of the Affordable Housing Program created by the Federal Home Loan Bank.

Since it was chartered by Congress in 1932, the Federal Home Loan Bank has become the largest source of mortgage lending in the United States. This venerable institution has invested billions of dollars in communities across our nation. These investments have resulted in the development of over 650,000 housing units and the creation of 78,000 construction jobs, lending additional economic security to our local communities. The sound practices of the Federal Home Loan Bank have made affordable housing, small business lending, foreclosure prevention, and financial literacy possible by maximizing the capacity of our community-based banks to serve their neighborhoods.

Twenty years ago, the Federal Home Loan Bank established the Affordable Housing Program in order to increase the availability of mortgages and home finance to families of all income levels. This laudable goal is being achieved by the Bank setting aside 10% of its own private earnings to support the creation and preservation of housing for lower income families and individuals. This outstanding program has helped countless people achieve the dream of homeownership. It has also enabled countless others to secure high quality, safe and affordable rental units.

Under the guidance of President and CEO Alfred DelliBovi since 1992, the Federal Home Loan Bank of New York has helped community lenders throughout New York, New Jersey, Puerto Rico and the U.S. Virgin Islands advance housing and community growth. This regional bank's Affordable Housing Program has supported more than 1,200 projects with grants totaling more than $350 million. This has resulted in the creation of more than 50,000 units of affordable housing and the generation of $6 billion in total development costs. This year the Federal Home Loan Bank of New York, announced that they have awarded $29.7 million in subsidies to fund 54 affordable housing initiatives throughout the region.

Today I stand to thank Mr. DelliBovi and the Federal Home Loan Bank of New York for their investments into our communities, to congratulate them on the success of the program, and to offer my encouragement for them to continue with this outstanding initiative.

## HONORING ANN SILBERFEIN ON THE OCCASION OF HER 100TH BIRTHDAY

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ACKERMAN. Madam Speaker, I rise to honor the remarkable life of Ann Permut Silberfein as she approaches the occasion of her 100th birthday.

Ann Permut Silberfein was born of immigrant parents; Rose Sachawetsky of Russia and Nathan Permut of Kiev on September 25, 1910. Her parents came to America as children with their parents to escape the religious persecution that was, unfortunately, so common in Europe during the early 20th century. Rose and Nathan met in America at a very young age, were married, and eventually started their own business: a curtain and linen store at 670 Manhattan Avenue in Brooklyn. They knew that owning their own business would not have been possible in Europe and they embraced and achieved the American dream.

Rose and Nathan's children helped out in the family store when they were young. As customers checked out, young Ann Permut would write down the price of each item on a brown paper bag and would add the columns in her head. Her years of calculating customers' tabs in her head put her ahead of her classmates and Ann, graduated from high school at 16 years of age. Ann attended college and graduated from Jamaica Training School for Teachers.

Ann later met her husband, George Silberfein. After a wonderful courtship, they were married on June 24, 1934. They lived on Linden Boulevard in Brooklyn and moved to Ridgefield Highlands until 1939, when they moved to Huntington, New York. They spent many years as members of Cold Spring Country Club, where Ann won many golf tournaments. In May 1979, Ann and George moved to Hillcrest, Florida.

Ann and George were married for 61 happy years until George passed away in 1995. They gave their children, Judy and Manny, Michael and Jane, and Stephen and Linda, a love for America and a drive to give back to the country that had done so much for their family. Their children all went on to college and gave Ann and George nine grandchildren, Steve and Bonnie, Sue, Richie and Carol, Andy and Amy, Jimmy and Diane, Jeffrey, Adam, Scott and Joey, and Jason and Paige.

Ann still resides in Hillcrest and leads an active life with her friends and family. As Ann prepares to celebrate her 100th birthday in September, she rejoices in the warmth of her children, her grandchildren, and her 11 great grandchildren: Emily, Jackie, Josh, Rebecca, Tori, Jill, Matthew, Ryan, Mattie, Brady, and Reese.

Madam Speaker, on the occasion of her 100th birthday, I ask my colleagues in the

House of Representatives to join me in honoring Ann Silberfein and wishing her many, many more years to come.

## IN HONOR OF THE LIFE AND WORKS OF HARVEY PEKAR

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. KUCINICH. Madam Speaker, I rise today to honor the life and works of Harvey Pekar. Best known for his work as an underground comic book writer, Mr. Pekar was an artist and critic of many talents. His brilliance touched the lives of many in his native Cleveland home and throughout the world.

In 1976, Mr. Pekar self-published the first issue of what went on to become his most famous comic series: American Splendor. In this series, he depicted the trials and tribulations of a mundane working class life in Cleveland. This raw depiction of the modern human condition slowly attracted a readership within the underground comic book scene and peaked with a circulation of 10,000 in the early 1990s. In 2003, his American Splendor series was adapted for film, receiving wide critical acclaim.

His artistic and critical talents were reflected in far more than just his defining series. Harvey Pekar was a distinguished essayist, jazz critic, and he collaborated on musical theatre productions.

Madam Speaker and colleagues, please join me in honoring the life of the artist Harvey Pekar. Pekar's talent and works are unparalleled in his field. The world has lost a great treasure in his passing. He will be missed by those who knew him and knew of his work, especially his wife Joyce Brabner and his adopted daughter Danielle.

## CONGRATULATING 17 AFRICAN NATIONS ON 50TH ANNIVERSARY OF INDEPENDENCE

SPEECH OF

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 30, 2010*

Mr. DAVIS of Illinois. Mr. Speaker, today I celebrate the fiftieth anniversary of the Year of Africa—that pivotal year of 1960 when seventeen African nations gained independence from European colonial rule. On this day, in this year, and in the many years to come, we mark this milestone given that, as Americans, we know first-hand how precious freedom truly is, and the heavy price it often takes to attain it.

At the center of our connection to Africa is a simple concept: to be free. What does it mean to be free? For centuries, philosophers, revolutionaries, and politicians alike have debated this very question. While I do not claim to be an expert, I humbly believe that being free means having the freedom to reach one's full potential. Whether that means having the resources to pursue a passion in academia or the support and finances to raise a healthy family, this freedom can mean many things to many people, and for a lot of us, we were gifted with this freedom from birth.

For many, however, freedom is not a gift, but a goal. In the United States alone, more than thirty-seven million citizens live in poverty and look so far ahead as to the next meal, much less dreams for the distant future. For Africa, the numbers and the situations are even more daunting. In the Republic of Madagascar, one of the first African nations to gain independence in 1960, more than two-thirds of the population lives below the international poverty threshold of $1.25 a day. Throughout Africa, instability and poverty persist. Between the unprecedented rates for various deadly diseases, the bloody ethnic clashes, languishing economies, and notoriously corrupt government bodies, it is hard to celebrate this "freedom" that they have attained without realizing the long-lasting consequences of Colonial rule and injustice. For these people, in the same countries that celebrated freedom from European powers just decades and years ago, true freedom is still, but a goal.

As policymakers, we work toward fulfilling the promises of our founding fathers and the generations of leaders that have come after them. Their message is simple: to achieve freedom. We must remember today, tomorrow, and for every day of the foreseeable future that while we have come far from our colonial days, there are still many people who have not yet achieved that freedom. We must remember, too, that our Nation was once in the same situation as the many African nations are in today, and that we must support their progress and efforts toward helping their citizens fulfill their potential. While we celebrate this year as a cornerstone of their struggle toward attaining freedom, we must also remember that more change is needed to attain our shared promise.

## HONORING THE WORLD WAR II VETERANS OF ILLINOIS

### HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. FOSTER. Madam Speaker, I rise today to honor all the World War II veterans, but especially our distinguished guests from the Honor Flight Chicago program. This noble program enables hundreds of Veterans from the Chicago area to come visit the memorial built to honor their great service and courage, and I have the great privilege of welcoming them to Washington DC.

We all have a special appreciation for our veterans because we know the sacrifices they made to protect us and bring peace to a world ravaged by war. These servicemen answered our nation's call during one of its greatest times of need. These brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them our deepest gratitude and thanks for protecting and ensuring our future.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men for all to see, hear, recognize and I call on my colleagues to rise and join me in expressing thanks.

Joseph Adamczyk; Nicholas Ahrens; Lewis Asher; John Barbino; Edward Barrett; William Bennett; Edward Britton; Raymond Bukentica; Sam Cangelosi; Edwin Chapp; Willard Clauser; Anthony Coorlim; Russell Damisch; Robert Degnegaard; Thomas Dobesh; Thomas Dougherty; William Draver; Clarence Edman; Dominic Errichiello; Robert Etchingham:

Glenn Felner; Rollin Flanagin; Ray Ford; Jacob Forney; John Frothingham; Kenneth Gardner; Albert Gilman; Alvin Goodman, Jr.; Charles Goufas; Patricia Graves; Richard Hitzeroth; Don Holwerda; Donald Horton; Charles Hoyert; Michael Hrindak; James Jones; Frank Kania; William Kaske; John Keller; Robert Kelley;

Harry Klich; Herman Kok; Raymond Kriesemint; Anthony Kurek; Lloyd Lawson; George Leavitt; Herschel Leffingwell; Henry Lewandowski; Robert Long; Norman Long; Jerry Lonigro; Hugh Lynch; Henry Malek; Casimer Marks; Robert Marshall; Anthony Matkovich; Edward Melnick; Norbert Melsek; Donald Memenga; Arro Merijohn;

Raymond Mietz; Norman Million; Joseph Mooha; Herbert Morrison; Jack Neistat; Ralph Niles; Berthold Notheisen; Jerry Novak; Oscar Olson; Ralph Raap; Genevieve Rafa; Frank Rafa; George Rinke; James Rosenbaum; Fred Ruben; Henry Rutkowski, Sr.; Charles Sauber; Herman Steagall; William Stowe; Harold Van Houten;

Sander Wallk; Robert Walton; Raymond Wasielewski; Norbert Wayer; Robert Weber; Melton Williams; William Woodrow; Stanley Zajac; James Zajicek; Donald Zentz; Arthur Bauer; John Shubic; and John Sladek.

## ON THE SERVICE OF JESSICA I. MARTINEZ, NATIONAL YOUTH PRESIDENT OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC)

### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. HEINRICH. Madam Speaker, I rise today to pay tribute to an outstanding young New Mexican, Jessica Martinez, for her three vigorous years of service as National Youth President for the League of United Latin American Citizens (LULAC).

Ms. Martinez is currently studying Political Science and Spanish in our congressional district at the University of New Mexico, and has served as LULAC's National Youth President since 2007. Throughout her term, she has provided invaluable national advocacy on issues including the DREAM Act, a bill that I was proud to co-sponsor, which would repeal the restriction against granting talented, law-abiding immigrant students from earning educational benefits and pursuing their dreams here in America.

I am also proud that Ms. Martinez helped to bring the National LULAC Convention and Exposition to Albuquerque, bringing thousands of participants from around the nation to our community. With over 80 years of service, LULAC has played an important role in making our nation more equal and just for Latino families. From fighting against the segregation of Latino children in schools during the 1930s, to standing in defense of Latino veterans' dignity during our country's world wars, to working today to ensure that our economic recovery makes a difference for our country's Latino community, LULAC's leadership and work in civil rights has been a vital part of the fabric of America.

This is Ms. Martinez' final year as National Youth President, but I look forward to her continued service to New Mexico and to our nation. If our nation is to continue thriving in the 21st Century, we will need young leaders like Jessica Martinez to help meet our greatest challenges.

## PERSONAL EXPLANATION

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. HARE. Madam Speaker, on July 13, 2010, I was unavoidably detained in Illinois due to a family medical emergency. I would like the RECORD to reflect that had I been present, I would have voted as follows: on rollcall No. 434, On Motion To Suspend the Rules and Pass H.R. 4514, the Colonel Charles Young Home Study Act, I would have voted ''aye''; on rollcall No. 435, On Motion To Suspend the Rules and Pass H.R. 4438, the San Antonio Missions National Historical Park Leasing and Boundary Expansion Act of 2010, I would have voted ''aye''; and on rollcall No. 436, On Motion To Suspend the Rules and Pass H.R. 4773, the Fort Pulaski National Monument Lease Authorization Act, I would have voted ''aye.''

## H.R. 5730, THE ''SURFACE TRANSPORTATION EARMARK RESCISSION, SAVINGS, AND ACCOUNTABILITY ACT''

### HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Ms. MARKEY of Colorado. Madam Speaker, today I rise to introduce the ''Surface Transportation Earmark Rescission, Savings, and Accountability Act.'' This bill will eliminate a total of $713 million in unobligated funding for 309 Member-designated projects contained in previous surface transportation authorizations.

The ''Surface Transportation Earmark Rescission, Savings, and Accountability Act'' will clear the books of projects that will not go forward and save taxpayer money.

This bill will rescind all remaining earmarks from the Surface Transportation and Uniform Relocation Assistance Act, STURAA, which was signed into law in 1987, and the Intermodal Surface Transportation Efficiency Act, ISTEA, which was signed into law in 1991. This rescission would be effective on December 31, 2010, and would eliminate 156 projects for a total of $264 million in savings.

This bill will also rescind High Priority Project, HPP, designations contained in the Transportation Equity Act for the 21st Century, TEA 21, that have 90 percent of the original project amount remaining unobligated 12 years after this bill was signed into law in 1998. This rescission will become effective September 30, 2011, and would eliminate 152 projects totaling $441 million.

In addition to eliminating these earmarks, this bill will rescind $8.2 million in HPP program funds authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, that were not allocated for any specific projects.

Madam Speaker, many of these unobligated balances are tied to projects that are either no longer viable, have not received the necessary matching funds from State or local entities, or projects that have been completed yet still contain funding balances that are no longer needed for the designated project.

Going forward, this bill requires the Secretary of Transportation to submit to the Congress an annual report identifying each project authorized under TEA 21 and SAFETEA–LU that contains inactive funding or that has been completed in the previous year. This will allow Congress to identify projects that are either already completed and have additional funding left over, or that are unlikely to move forward.

Eliminating excess funds that have remained unused by States for nearly 20 years is a commonsense approach toward improving the management of federal funds.

As we confront rising budget deficits, reduced revenues caused by the recession, and an ongoing investment gap in transportation infrastructure, it is imperative that we take every step we can to more efficiently and effectively manage taxpayer dollars and stretch funding as far as possible.

Madam Speaker, the ''Surface Transportation Earmark Rescission, Savings, and Accountability Act'' accomplishes just that by eliminating funding for earmarks that is not being utilized. I look forward to debating this important effort to pass fiscally responsible legislation.

## IN HONOR AND RECOGNITION OF MR. GERALD ''GERRY'' TRAFIS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Mr. Gerald ''Gerry'' Trafis, a devoted father to Matthew and Brian, friend, and community leader on the occasion of his 60th birthday.

Early in his life, Mr. Trafis learned the importance of faith, family, and hard work. He grew up in the Slavic Village neighborhood of Cleveland, and graduated from St. Peter Chanel High School. He then enrolled and graduated from the University of Dayton and earned his CPA license shortly thereafter. As a longtime resident of Seven Hills, Ohio, Mr. Trafis continues to dedicate his time and focus toward improving the community.

From 1991 to 1995, Mr. Trafis served as Director of Finance for the City of Seven Hills. In 1995, he was elected to serve as Mayor, where he served for nearly ten years until 2003. He then served one term as a Council Representative in Seven Hills until 2005. Mr. Trafis also served as the CFO for Creativity for Kids and Megas Beauty Care. He was entrusted to serve as the Chairman of the Board of the Regional Income Tax Agency and is founder and president of Pleasant Valley Estates Association. Mr. Trafis is an active member and leader within many organizations, including the Seven Hills Democratic Club, St. Columbkille Holy Name Society, St. Peter Chanel High School Hall of Fame, and the Pulaski Franciscan Community Development Corporation.

Madam Speaker and colleagues, please join me in honor and recognition of Mr. Gerald Trafis, on the occasion of his 60th birthday. His dedication to family, friends and community continues to uplift the lives of many throughout the Cleveland area. I wish my good friend Gerry a very happy birthday and health, peace and happiness in the coming years.

## PERSONAL EXPLANATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. MILLER of Florida. Madam Speaker, I missed rollcall vote Nos. 434–436 on July 13, 2010.

If present, I would have voted:

Rollcall vote No. 434, Colonel Charles Young Home Study Act, ''aye.''

Rollcall vote No. 435, San Antonio Missions National Historical Park Boundary Expansion Act of 2010, ''nay.''

Rollcall vote No. 436, Fort Pulaski National Monument Lease Authorization Act, ''aye.''

## HONORING THE CITY OF LAKE OSWEGO'S CENTENNIAL CELEBRATION

### HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. SCHRADER. Madam Speaker, I rise today to honor the City of Lake Oswego, Oregon on the occasion of their 100th anniversary. From its humble beginnings as an iron industry town to its role today as a cornerstone of the State's economic engine, Lake Oswego has proven itself to be an adaptable and resilient community with a rich history.

The town of Oswego was founded in 1847, shortly after iron ore was discovered in the Tualatin Valley. The iron industry proved to be the driving economic force of the small town and many early settlers hoped to build upon the foundations of the industry and turn the area into an industrial center, the ''Pittsburg of the West.'' While the city was never able to meet these grand expectations, the Oregon Iron & Steel Company helped create a prosperous society and a growing community on the banks of Oswego Lake.

But the iron industry started to decline in Oswego at the beginning of the 20th century. With this downturn, Oregon Iron & Steel turned their focus to residential land development, selling large tracts of land to developers.

In 1910, the Oswego community was officially incorporated as the City of Oswego. The first land developers aspired to create a city where both work and leisure were integral components of the city's success. The City of Oswego was promoted as a place to ''live where you play.''

By the 1920s and 1930s, high-speed and clean electrified trains stimulated residential development in the city. The next three decades brought increased growth in the community and in 1960, the City of Oswego annexed

part of nearby Lake Grove and the city changed its name to Lake Oswego.

Today, Lake Oswego continues to be an outstanding community to live, work and play. The city has a nationally ranked library, an award winning senior center and a plethora of arts, culture and recreation opportunities available to residents. The city, in partnership with local businesses, has made a priority of economic development and transportation planning that will ensure a bright and sustainable future for the community for years to come. And the Lake Oswego School District is responsible for a public education system that is one of the best in the country, benefitting from widespread community support.

Madam Speaker, 100 years have now passed since the city was officially recognized and I am honored to be the representative for this beloved community. I congratulate Lake Oswego on their centennial celebration and hope the city enjoys another 100 years of growth and prosperity.

## RECOGNIZING THE HONORABLE MILITARY SERVICE OF MAJOR ALBERT F. CORCHUELO

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ISSA. Madam Speaker, I rise today to recognize the military service of Major Albert F. Corchuelo on the occasion of his retirement from the United States Marine Corps. I commend Major Corchuelo's career and offer my sincerest thanks for his more than 20 years of dedicated service in protecting our nation.

Beginning his career with an appointment to the U.S. Naval Academy, Major Corchuelo's graduation was followed by his commissioning as a Second Lieutenant in the U.S. Marine Corps. His first assignment included serving as an Air Defense Control Officer in Cherry Point, North Carolina and was subsequently hand selected to apply his skills as a Spanish linguist as a liaison in support of counter-narcotics operations in Barranquilla, Columbia.

In 1992, Major Corchuelo was selected to train and was designated as a Naval Aviator in Pensacola, Florida where he was promoted to Captain during flight training. Upon receiving his Naval Aviator wings, he was assigned to HMT–302 in Tustin, California, followed by HMH–462 where he deployed with 15th and 13th MEU. During his tour he served as Pilot Training Officer, Assistant Logistics Officer, Tactics Officer, Administration Officer, and Legal Officer. Throughout the course of these numerous duties, Major Corchuelo also participated in Exercise Hunter Warrior as part of the Commandant's Advanced Warfighting Experiment.

In 1998, Major Corchuelo graduated from Amphibious Warfare School and served as the Executive Officer (XO) for the Training and Education Company at Headquarters and Service Battalion. Soon after this term, Major Corchuelo joined the Selected Marine Corps Reserve in 2001. Just one year later he accepted orders to the Active Reserves as the Assistant Operations Officer which deployed shortly thereafter.

With distinguished tours of duty in Kosovo, Djibouti, and the Persian Gulf for Operations Enduring Freedom and Iraqi Freedom, Major Corchuelo's tenure in the Marine Corps is certainly worthy of commendation. In 2004 he transitioned to Camp Pendleton where he served as the Officer-in-Charge (OIC), then as the Reserve Officer Recruiter for the West Coast for the next three years. In 2008 he operated as the OIC for Prior Service Recruiting while earning a Master of Science Degree in Information and Telecommunications Systems Management. On July 9, 2010, Major Corchuelo finished out his extensive military career as the Executive Officer for Reserve Site Support Del Mar at Camp Pendleton, California.

Major Corchuelo distinguished himself by extraordinary acts of leadership time and again. Among his many accomplishments, Major Corchuelo's decorations include the Navy and Marine Corps Commendation Medal (2), Navy and Marine Corps Achievement Medal, Presidential Unit Citation, Joint Meritorious Unit Award, Navy Unit Citation (5), Meritorious Unit Citation (3), National Defense Medal (2), Armed Forces Expeditionary Medal (3), Kosovo Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon, Recruiting Ribbon, Armed Forces Reserve Medal and the NATO Kosovo Medal.

These recognitions are a true testament, among other things, of Major Corchuelo's great dedication, leadership and commitment to our country.

I offer Major Corchuelo my warmest congratulations and may he enjoy a rich and rewarding retirement with his wife Peggy and his two children, Daniel and Brian.

Madam Speaker, I ask you to please join me in honoring all the brave men and women who have served in the United States Armed Forces, and the admirable service of Major Albert Corchuelo.

## PERSONAL EXPLANATION

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 436, H.R. 4773, Fort Pulaski National Monument Lease Authorization Act, had I been present, I would have voted "aye."

## RECOGNIZING PFC EDWIN "EDDIE" WOOD

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. TERRY. Madam Speaker, it is with great sadness that I rise to pay tribute to a young man from Omaha who was killed recently in Afghanistan, in the service of our country.

PFC Edwin "Eddie" Wood, a scout with the Army's 10th Mountain Division, was on patrol when an IED exploded and killed him and another soldier and wounded three others. He is the first soldier from Omaha to die in Afghanistan. He had been in the Army for less than a year and had not even reached his 19th birthday.

Private First Class Wood was a graduate of Omaha North High School, where he was involved in Boy Scouts, drama, and was a member of the ROTC all 4 years. He also participated in early American re-enactor events with his father.

Scouting was a big part of Eddie's life. He started as member of Cub Scout Pack No. 5 and then moved up to Boy Scout Troop No. 20, earning all the ranks up to Life Scout—just below Eagle Scout. He earned and was awarded 32 merit badges. In 2006, I wrote a letter to Eddie, helping him to earn his Citizenship in the Nation badge. His love for Scouting continued even after he enlisted in the Army. He was listed as an active member of the Boy Scouts Mid-America Council.

Madam Speaker, it is times like this when we truly realize the sacrifices that are being made every day by the young men and women who serve in our armed forces. It also brings home the sacrifices that families make in watching their children go off to war. We are so grateful to them.

Today, I join my colleagues in extending our thoughts and prayers to military families, especially the Wood family during this difficult time.

## IN RECOGNITION OF COLONEL SHERRY B. KELLER'S SERVICE TO THE ANNISTON ARMY DEPOT

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Colonel Sherry B. Keller's service in the United States Army.

Colonel Keller is a Virginia native who began her service by enlisting in the United States Army Reserve. She received her commission through the Reserves Officers Training Corps at Hampton University. Her career in the U.S. Army has taken her across the world from Fort Stewart, Georgia to Germany, and to Korea.

Currently, Colonel Keller serves as Commander of the Anniston Army Depot. The Anniston Army Depot is the designated Center of Industrial and Technical Excellence for combat vehicles, artillery, bridging systems, and small caliber weapons. Its over 4,000 employees provide critical maintenance support at the Depot and serve in direct support overseas. Her leadership continues to allow the Depot to be proudly known as the Pit Crew for the American War Fighter.

I greatly appreciate Colonel Keller for her service to our Nation, the Anniston Army Depot and our community. Her loyalty to duty, honor, and selfless service are in the highest traditions of the Army. I wish her all the best in her next endeavors.

## RECOGNIZING SILOAM SPRINGS HIGH SCHOOL FOR ITS ACHIEVEMENTS IN SCHOOL IMPROVEMENT

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. BOOZMAN. Madam Speaker, I would like to recognize Siloam Springs High School for its national recognition for outstanding achievement in school improvement.

Siloam Springs High School is one of only 30 schools to be named a Pacesetter School by the Southern Regional Education Board, an honor given to schools that exemplify the progress they can make when leaders embrace change and support improvement efforts.

Siloam Springs Hill School earned this recognition two years ago and continues to advance its curriculum and instruction to create an environment that encourages high achievement of its students.

School leaders attribute this success to block scheduling that allows teachers to work with a fewer number of students during longer class periods and provide students with more individual assistance as well as an increase in the number of Advanced Placement courses offered.

I am very proud to honor and congratulate the students and staff at Siloam Springs High School as well as the school district and the community for this innovative approach to education. I look forward to the academic excellence that will come from Siloam Springs High School in the years to come.

## RECOGNIZING DON MARTENS ON THE OCCASION OF HIS RETIREMENT

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ISSA. Madam Speaker, I rise today to recognize the distinguished tenure of Mr. Don W. Martens, on the occasion of his retirement as Chair of the American Bar Association (ABA) Section of Intellectual Property Law. At the helm of this association, Mr. Martens has brought a wealth of knowledge, experience and leadership—leaving a profound impression on intellectual property law.

Mr. Martens will end his one-year term as Chair of the ABA Section of Intellectual Property Law in early August. With over forty years' experience as an intellectual property litigator, Mr. Martens is a leading voice in intellectual property matters.

Mr. Martens graduated with honors from the University of Wisconsin with a bachelor's degree in engineering followed by a juris doctorate degree from George Washington University Law School where he was Patent Editor of the Law Review and graduated first in his class.

Among his many accomplishments, Mr. Martens has served as President of the American Intellectual Property Law Association (AIPLA) and three terms as a member of the Court of Appeals for the Federal Circuit's Advisory Council. Prior to his current Chairmanship, Mr. Martens also served as Chair of the Section's Patent Law Reform Task Force.

Additionally, Mr. Martens' list of remarkable achievements include being named as one of ''The Top 10 Patent Lawyers in the World'' by PLC Global Counsel, as one of ''the 20 Best Patent Lawyers in the World'' in a comprehensive international survey by Euromoney Legal Media Group, one of two ''Leading IP Lawyers'' in the United States by the Global Counsel's Handbook and one of the ''Best Lawyers in America'' for both Alternative Dispute Resolution and Intellectual Property Law—all impressive distinctions.

In 2005, Mr. Martens and the IP Section of the ABA were asked to put together a Patent Law Reform Task Force to assist in the gathering of information for legislative reform efforts in Congress. As a result, the Task Force developed a White Paper which has since become a well-regarded source for objective and well-reasoned analysis and recommendations on patent reform issues, both in Congress and the private sector.

Madam Speaker, I ask that my colleagues please join me in recognizing the celebrated tenure of Mr. Don Martens and applaud his determined efforts as Chair of the ABA Section of Intellectual Property Law to improve the legal process and promote the rights of inventors across the country.

## RECOGNIZING THE WORK OF DEANNA WEEKS

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. HUNTER. Madam Speaker, today I rise to recognize the retirement of Ms. Deanna Weeks from the East County Economic Development Council (ECEDC), located in my congressional district in East San Diego County. For 25 years, Deanna has provided inexhaustible service and dedication to the people and businesses of San Diego's East County. Both as a person and a professional, Deanna will be sorely missed.

One does not have to search very long to find the positive results of Deanna's work, sacrifice and leadership in our community. Like the rest of the nation, our region is going through difficult economic times. I firmly believe, however, it could be much worse for East County if it were not for the significant contributions Deanna made during her time and leadership with the ECEDC. Prior to joining ECEDC Deanna worked at the Center on Aging at San Diego State University followed by Greenwald/McDonald commercial developers. In the early 1990s after joining the ECEDC, Deanna pioneered a grant effort from the Department of Defense that studied the needs of small defense-related firms in the East County, resulting in Connectory.com, an internet connectivity tool that allowed for many San Diego companies to gain business with the U.S. Federal Government and expand and grow into new and exciting areas.

Aside from creating Connectory.com and managing its development and growth from a sub-regional marketing tool into a nationally recognized asset, Deanna was also the leading force behind forming the San Diego Space and Defense Consortium, which provided vital resources to local companies enabling them to compete with large defense contractors. She created and supported the East County Economic Development Foundation and the Supporting Education and Economic Development partnership, both of which work to create and strengthen career and technical education opportunities in our local high schools and community colleges. Deanna has served in other capacities such as the Boards of the Downtown El Cajon Partnership and the San Diego East County Chamber of Commerce and is currently serving on the Board of the Grossmont-Cuyamaca Community College District where she has been a key member of the East County K–16 Collaborative, a joint effort between community education and business that focuses on improving student transition between grade levels and curriculums.

Madam Speaker, in a time when the needs of our community usually score low on our list of priorities, I am always encouraged by the efforts of Deanna and her unending determination and sacrifice to make East San Diego County the special place it is to live. While she will be greatly missed, she has provided us all with a great example of service to the community. I urge all of my colleagues to join me in congratulating Deanna Weeks on her retirement, I wish her all the best in her future endeavors and thank her for her many years of unyielding dedication to guiding the economic prosperity of San Diego's East County. We will miss you Deanna, enjoy those grandkids!

## CONGRATULATIONS TO THE UNIVERSITY OF KANSAS' ROBERT J. DOLE INSTITUTE OF POLITICS ON COMPLETION OF THE INSTITUTIONAL ASSESSMENT PORTION OF THE AMERICAN ASSOCIATION OF MUSEUM'S MUSEUM ASSESSMENT PROGRAM

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity to congratulate the Robert J. Dole Institute of Politics on the campus of the University of Kansas for completion of the Institutional Assessment portion of the American Association of Museum's Museum Assessment Program, MAP.

Senior Archivist Morgan Davis led the MAP team which included Audio/Visual Archivist Judy Sweets and Assistant Archivists Catherine Riggs and Robert Lay. The team completed an extensive self-study survey which included exercises designed to help improve understanding of museum practices and broaden the scope of services offered in the Dole Archive.

Judith Endelman, Director of the Benson Ford Research Center at The Henry Ford Museum, was selected to assist the Dole Archive in the Museum Assessment Program. During her two-day visit to the Dole Institute, Ms. Endelman met with Dole Institute staff and Dole Archive Advisory Board members to get a better understanding of the programs and services currently offered.

The Dole Archive, which contains the collections of former Senator Bob Dole, is an invaluable research collection documenting Senator

Dole's 36 wonderful years in Congress and record setting 11 years of leadership in the Senate. The Dole Archive contains a significant collection of papers, images and objects, many of which are on display in public exhibits at the Dole Institute.

The Dole Institute of Politics is a bipartisan civic institution with a mission to promote civic engagement and public service. Led by Director Bill Lacy, this mission is carried out through public programming which regularly brings figures of national political prominence to speak at the Dole Institute, interpretive exhibits on the life and career of Senator Dole, and the maintenance of the Dole Archive research collections.

Participation in the MAP program was made possible at virtually no cost to the Dole Institute through assistance from the Institute of Museum and Library Services.

I ask my colleagues to join me in congratulating the Dole Institute's achievement.

## PERSONAL EXPLANATION

### HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. EHLERS. Madam Speaker, on rollcall Nos. 434, 435, and 436, I was absent for two reasons. First, my flights from GRR to DTW and from DTW to DCA were both delayed. Second, I had an important meeting related to my work on the aviation subcommittee and my role as co-chair of the GH caucus. Had I been present, I would have voted "yes" on all three votes.

## RECOGNIZING THE OUTSTANDING SERVICE OF ANTHONY CERONE ON THE OCCASION OF HIS RETIREMENT

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ISSA. Madam Speaker, I rise today to honor the service of Anthony Cerone and his dedicated service to the people of the United States on the occasion of his retirement.

In February 1976 Mr. Cerone was hired by the Federal Bureau of Prisons and was assigned as a Correctional Officer at the Metropolitan Correctional Center in San Diego, California. He was promoted to the rank of Senior Officer Specialist in August of 1980.

In 1979, Americans were taken hostage at our Embassy in Tehran, Iran. Mr. Cerone responded by joining the U.S. Air Force Ready Reserve. He remained until 1985 and was Honorably Discharged as a Staff Sergeant.

With a desire to work in the field and within the community enforcing immigration law, Mr. Cerone pursued a career with the U.S. Immigration and Naturalization Service (INS) and was hired in November of 1980, assigned to the U.S. Border Patrol in San Ysidro, CA as an Immigration Detention Officer. He transferred to the San Diego District Downtown Office in May of 1983. He was promoted to Lead Detention Enforcement Officer in 1985 and Deportation Officer in 1987.

Mr. Cerone graduated from Miramar College, San Diego, CA in 1983 and earned a degree in the Administration of Justice.

In 1999, Mr. Cerone was promoted to Supervisory Detention and Deportation Officer where he formed and was the team leader of the newly created Alien Removal Unit. On June 30, 2001, Mr. Cerone voluntarily retired with over 29 years of federal service.

After September 11, 2001, Mr. Cerone desired to return to federal law enforcement to aid in the effort to protect the United States and its citizens from future terrorist attacks.

In March of 2002, he was hired as a Special Deputy U.S. Marshal to protect the U.S. Courts and its staff at the U.S. District Court of Southern California, in San Diego. During this time, he also applied to return to service with the INS.

The U.S. Department of Homeland Security and Immigration and Customs Enforcement (ICE) hired Mr. Cerone as the Officer-in-Charge of the ICE Otay Detention Facility on June 12, 2005. After two years of overseeing this custodial operation that managed 1,000 ICE detainees and over 400 employees, Mr. Cerone transferred to the downtown ICE office on July 1, 2007, as an Assistant Field Office Director.

Madam Speaker, I ask that my colleagues please join me in recognizing the distinguished career of Anthony Cerone serving the People of the United States.

## COMMEMORATING THE 15TH ANNIVERSARY OF THE SREBRENICA GENOCIDE

### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. CARNAHAN. Madam Speaker, on Sunday, July 11, 2010 the world paused to solemnly commemorate the 15th Anniversary of the Srebrenica Genocide. This unconscionable act of cruelty and disregard for human life—Europe's worst massacre since World War II—has left a deep scar upon humanity.

An estimated 8,000 Muslim men and teenage boys were brutally slaughtered and approximately 30,000 refugees were forced from their homes.

United Nations peacekeepers protecting the Srebrenica "safe zone" were outmanned and outgunned with little ability to stop the atrocities. This, unfortunately, highlights the collective failure of nations to take sufficient, decisive, and timely action to prevent this horrific mass murder and ethnic cleansing. We must never forget the important lessons learned from this terrible chapter of Bosnian history, in particular that hatred must never be allowed to take root.

I represent one of the largest populations of Bosnians and Bosnian-Americans. Approximately 35,000 Bosnian-Americans reside in the St. Louis, Missouri, region, and of these, upwards of 5,000 are survivors of the Srebrenica massacre. This is an issue for which I feel strongly, as I have seen how profoundly it has affected individuals, families, and the community.

Last year, I met with several of these Missourians while attending the 14th anniversary remembrance ceremony in Srebrenica. I witnessed the mass burial of the remains of over 500 victims recovered from the mass gravesites. It is important for us to remember those who were lost, and honor their memory as we move forward.

Fifteen years later there are still mass grave sites that remain undiscovered, families that have yet to be reunited, and remains of loved ones that have yet to be positively identified. The International Commission on Missing Persons (ICMP) has been doing remarkable forensic work in Bosnia, and training and employing local Bosnians, to help identify remains. Most of the families of survivors in my district have contributed DNA samples in the effort to help identify their missing family members. While they still face serious difficulties, to date they have positively identified two-thirds of the missing persons in Bosnia.

Fortunately, there have been significant efforts, overall, at apprehending war criminals and ensuring that they face justice. The International Criminal Tribunal for the former Yugoslavia (ICTY) has indicted a total of twenty-one individuals for crimes committed in Srebrenica, including seven senior officials who were convicted in June 2010, and former President Radovan Karadzic who is currently on trial.

It is imperative that war criminals be found and brought to justice. I strongly urge the United States, along with the international community, to continue its commitment to help find and bring to justice Bosnian Serb commander Ratko Mladic, who is still at large, for his central role in orchestrating the atrocities of the genocide.

These trials are critical to the social healing and reconciliation process that must take place in order to advance to goal of a lasting peace, prosperity, rule of law, and an effective unity government in Bosnia and Herzegovina. And it is critical to provide some closure to the families of the victims of the Srebrenica Genocide, so that their personal healing can also take place.

Additionally, in March, 2010, the Serbian Parliamentary official of Bosnia issued a formal apology for the 1995 massacre of Bosnian Muslim men and boys. This narrow majority vote cannot replace the losses suffered by the Bosnian people as a result of the genocide, but this signal of acknowledgement by the Serbian community was a necessary and hopefully meaningful step forward.

Bosnia and Herzegovina has taken great strides toward becoming a more stable nation and an international partner, yet increased stability in the region and stronger national institutions are still key priorities moving forward.

The United States can best honor the innocent lives lost by taking a moment of pause, today, to reflect upon the Srebrenica Genocide and recommit ourselves to the defense of human rights and freedoms wherever they are imperiled. We in Congress must also persist in ensuring that justice is served and freedom and democracy endure through our continued show of support for Bosnia and Herzegovina with respect to its constitutional reform, improvement of democratic institutions, strengthening of the rule of law, and increased political and economic stability.

Let us commemorate the tragedy of Srebrenica by delivering on the promise of peace.

## PERSONAL EXPLANATION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Ms. LEE of California. Madam Speaker, yesterday I missed rollcall vote No. 434 on H.R. 4514, rollcall vote No. 435 on H.R. 4438, and rollcall vote No. 436 on H. Res. 4773. Had I been present, I would have voted ''aye'' on each of these rollcall votes.

## COMMEMORATING THE DETROIT SPORTSMEN'S CONGRESS ON CELEBRATING ITS 75TH ANNIVERSARY

### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mrs. MILLER of Michigan. Madam Speaker, I rise today to acknowledge a special anniversary celebration for an important organization headquartered in my district in the Charter Township of Shelby. In September 2011, the Detroit Sportsmen's Congress, DSC, will mark its 75th Anniversary. This group has already started preparations to properly recognize this historic achievement. The organization traces its inception back to the year 1936 in the City of Detroit. And over time, it has grown into perhaps one of the nation's most distinguished conservation and sportsmen's groups.

The Detroit Sportsmen's Congress has demonstrated an unwavering commitment to preserve the natural treasures and pristine resources we are so blessed to live with in the State of Michigan. The DSC has offered a variety of educational programs for adults, children and the community at-large and has exhibited a strong record promoting conversation and safety. As a Member of the Homeland Security, I also want to applaud the group for offering its training facilities to local, state and federal law enforcement agencies. This is just one of the many examples of how the DSC is serving the people of Metropolitan Detroit.

The Wolverine State abounds with so many wonderful opportunities and recreational activities like hunting, competitive target shooting, fishing, and boating. From the ATV trails to the banks of the magnificent rivers and all across this splendid peninsula, you can find people enjoying some type of leisure and pleasure in the great outdoors. These activities provide a tremendous boost to our quality of life and allow families to spend time together. Building memories with loved ones and handing down family traditions to the next generation are some of the most priceless moments we can hold dear and cherish.

I would be remiss if I did not acknowledge the financial contributions these activities offer to the local and state economy. It is absolutely vital we protect and enhance our environment for not only future preservation, but also the benefits they offer to individuals who depend on them for their livelihoods and careers.

Madam Speaker, I am a water enthusiast and grew up sailing the Great Lakes. In fact, I have made the Great Lakes one of my principle advocacies since being elected to office. Therefore, I appreciate the hard work exhibited by the DSC and its membership both past and present.

Moreover, I am always reminded of my oath to defend the United States Constitution, so safeguarding the Second Amendment is something I take very seriously. That is why supporting legislation which protects law-abiding citizens ability to keep and bear arms is something I will continue to fight for as long as I have the privilege to serve in this Chamber.

Madam Speaker, I applaud the Detroit Sportsmen's Congress for their dedicated efforts to educate people about our rights, our heritage and our environment. The DSC and its affiliates are providing a vital service to the community and continuing what is the strong tradition of sportsmen residing in Michigan.

It is here I am reminded of the words of our nation's 26th President, Theodore Roosevelt, who once said, ''To waste, destroy our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed.'' I too would agree we have an obligation to leave the next generation with improved natural resources and even more opportunities in life than what we inherited. This is the ultimate goal and the reason we go to work each day.

Once again, I extend my best wishes to the Detroit Sportsmen's Congress on its upcoming 75th Anniversary. It is my distinct honor to represent this organization in the United States House of Representatives and to commemorate this notable achievement. Happy 75th Anniversary to the Detroit Sportsmen's Congress.

## LACKLAND GATEWAY HERITAGE FOUNDATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. GONZALEZ. Madam Speaker, I rise today to commend the Lackland Gateway Heritage Foundation for their dedication to memorializing the proud heritage, tradition of honor, and legacy of valor of our country's Air Force and the countless sacrifices and contributions that our airmen make to defend and preserve the freedom of this nation. Since 2003, the foundation has been working tirelessly in their efforts to pay tribute to our enlisted airman.

Thanks to the vision of the Lackland Gateway Heritage Foundation, efforts for a modern museum are underway at Lackland Air Force Base in San Antonio, Texas to commemorate the transformation of young men and women into patriotic military professionals and leaders. The United States Air Force Airman Heritage Museum aims to make San Antonio the prime destination for those seeking to learn, understand, and admire the Air Force's history and traditions, providing an educational opportunity for the thousands who already visit Lackland Air Force Base and the many more who will do so in the future.

Madam Speaker, I ask my colleagues to join me in honoring the Lackland Gateway Heritage Foundation as we recognize their noble efforts to memorialize the heritage of our United States Airmen.

## HONORING THE LEGACY OF ALAN REUTHER, LEGISLATIVE DIRECTOR OF THE UNITED AUTO WORKERS

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Ms. WOOLSEY. Madam Speaker, after thirty-three years of dedicated service, Alan Reuther is retiring from his position as legislative director with the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW. As legislative director, he has been responsible for supervising all aspects of the UAW's legislative program, including development of issues, presentation of testimony, lobbying Members of Congress, and grassroots organizing.

During his tenure at the UAW, Alan championed significant legislative accomplishments, including: saving civil legal services for the poor, which were slated for elimination under the Gingrich ''Contract for America''; the enactment of minimum wage increases in 1996 and again in 2007; halting efforts by the Bush Administration and Congressional Republicans to privatize Social Security; the enactment of the State Children's Health Insurance Program, SCHIP, in 1997 and its expansion in 2009; the enactment of compromise Corporate Average Fuel Economy legislation in 2007 that included the Section 136 program to fund investment in U.S. production of advanced technology vehicles; fending off repeated attempts by the Bush Administration to erode the protections of the Fair Labor Standards Act; the enactment of the Lilly Ledbetter Fair Pay Act of 2009 and hate crimes prevention legislation; the enactment of federal extended unemployment benefits in economic recessions; and finally, the enactment of both the stimulus provisions of the American Recovery and Reinvestment Act of 2009 and health care reform.

As chair of the Workforce Protections Subcommittee, I know first-hand the significance of Alan's accomplishments on behalf of the American worker. Just to use one recent example, my Subcommittee held the legislative hearing on the Lilly Ledbetter Fair Pay Act. This was the first piece of legislation that President Obama signed into law after he took office, and it is a significant step in the fight to achieve equal pay between men and women. In addition, tireless work in the passage of health care reform cannot be understated. Congratulations, Alan, and thank you for your contributions to the public good. You will be missed—that's for sure.

## HONORING ANGELO PLAKAS

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Angelo Plakas and to mourn him upon his passing at the age of 70.

Born on August 2, 1939, Angelo Plakas dedicated his life to serving his community and his country. After graduating from the University of Detroit in 1960, Angelo taught elementary school before returning to school himself to pursue a law degree. He graduated

from Wayne State University in 1967 and began a long and storied relationship with several cities in the Metropolitan Detroit Area, most notably serving the city of Westland for more than 30 years.

Angelo Plakas had represented the City of Westland since 1992 and was recognized as one of the most knowledgeable municipal attorneys in southeastern Michigan. During his tenure as City Attorney, Mr. Plakas served as an integral part of the economic development of the city with the purpose of making Westland a better place to live and work. Angelo donated much of his time and financial support to many civic organizations in Westland and encouraged others to be likewise involved. He was recognized as the Westland Chamber of Commerce Business Person of the Year in 2008. Angelo Plakas helped to form the following non-profit charitable entities: Westland Community Foundation, Westland Historical Society, Westland Rotary Charitable Foundation and S.P.A.R.K. (Sports, Parks and Recreation for Kids).

Angelo Plakas loved his community and his community loved him. Always mindful of where he came from, Angelo never forgot where he'd been and always endeavored to better the world around him. As an alumnus of Detroit McKenzie High School, Mr. Plakas formed the ''Friends of McKenzie'' to help raise money needed to continue the athletic programs of his beloved alma mater.

Regrettably, on July 13, 2010, Angelo Plakas passed from this earthly world to his eternal reward. He is survived by his beloved wife, Sandra, and his children, Jim and Elaina. Angelo's legacy will continue in the lives of his grandchildren Cameron, Braden, Drew, Emma and Jack. Mr. Plakas also leaves behind his brother Jim.

Madam Speaker, Angelo will be long remembered as a compassionate father, a dedicated husband, community leader and friend. Angelo was a man who deeply treasured his family, friends, community and his country. Today, as we bid Angelo Plakas farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and our community.

## HONORING MARYLAND TRUCK DEALER OF THE YEAR

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. SARBANES. Madam Speaker, I rise today to recognize Mr. John ''Jack'' Saum who was recently honored by his peers within the trucking industry as the 2010 Dealer of the Year by the American Truck Dealers (ATD) and Heavy Duty Trucking. The award recognizes excellence in dealership performance, industry leadership, civic contributions and community service. Mr. Saum is Chairman of the Board of Beltway Truck Companies, LLC, which is headquartered in Baltimore, Maryland in my Congressional district.

For more than 40 years, Mr. Saum has been involved in the truck business. He held a series of management positions with International Harvester in the Northeast region of the country before joining Beltway International in 1984. Mr. Saum initially served as general manager at the Beltway dealership and assumed the role of dealer principal in 1997 when he purchased the dealership.

Under his leadership, the dealership has grown exponentially from a single point location in Baltimore to seven locations that span eight Maryland counties, the city of Baltimore, five West Virginia counties, one Delaware county and the city of Wilmington.

Mr. Saum is a strong supporter of green technology within the commercial truck industry. His innovative business approach is exemplified in his ''A New Truck is a Green Truck'' initiative which focuses on environmentally friendly truck technologies. With support from the National Automotive Dealers Association (NADA) and Navistar, Mr. Saum led efforts to educate public officials about the environmental and fuel efficiency advantages of new truck design improvements with a focus on new diesel-powered trucks, diesel-electric hybrid trucks, auxiliary power units (APUs) and retrofit programs.

Since Jack Saum became chairperson, the Board of Beltway Truck Companies, LLC has been the winner of multiple awards from Navistar for dealership performance, financing, lease and rental and operations excellence. In fact, Mr. Saum has won a number of individual awards from Navistar for his work, culminating with the award we recognize today.

Madam Speaker, I am honored to represent Mr. Jack Saum and his employees at Beltway Truck Companies in Baltimore and ask that you join me in congratulating him for this recent honor and for his efforts on behalf of his customers, his fellow business owners and all Marylanders.

Once again, I offer my best wishes to him for continued success in the future.

## HONORING FRED ''UNCLE FRED'' BENJAMIN YOUNG

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Mr. Fred ''Uncle Fred'' Benjamin Young, a constituent in the Congressional district I represent. It is with both profound sadness, but also an enduring sense of gratitude that I recognize him for the tremendous inspiration he provided to the South Florida community.

Mr. Young was born in Spartanburg, South Carolina on March 20, 1932 to the late Mr. Charles Young, Sr. and Mrs. Mattie Mae Bryson-Young. After graduating high school, Mr. Young enlisted in the United States Air Force. He was Honorably Discharged after serving four years as a radio operator on B–29 Bomber Aircrafts during the Korean War.

Upon returning home from the military, Mr. Young enrolled at Livingstone College in Salisbury, North Carolina where he earned a bachelor's degree in Political Science. While in college, Mr. Young pledged Omega Psi Phi, Fraternity. Soon thereafter, he moved to New York, New York.

His professional career began when he secured employment in a number of administrative positions for the State and City of New York. He was later tapped to head one of the largest Anti-Poverty Manpower Training programs—the Opportunities Industrialization Center, Incorporated. He was the Branch manager for the Lower East Side and later the Bronx.

In 1976, Mr. Young relocated to Miami, Florida and held a number of professional positions for the Miami-Dade Public School System. In 1996, he retired as a Data Analyst Manager with the Miami-Dade Schools' Police Department. Upon retirement, Mr. Young served as Administrative Assistant to Dr. Solomon Stinson, Chairman of the Miami-Dade County Public School Board—a position he held until his passing.

Mr. Young was blessed with a loving family who took pleasure in every aspect of his life and his interests. I offer my heartfelt condolences to the Young family.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Mr. Fred ''Uncle Fred'' Benjamin Young. I am honored to pay tribute to Mr. Young for his invaluable services and tireless dedication to the South Florida community. He will be missed by all who knew him, and I appreciate this opportunity to pay tribute to him before the United States House of Representatives. While he will indeed be missed, his legacy will live on and the outstanding contributions he made to the betterment of Miami-Dade County and South Florida will never be forgotten.

## SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 2010*

Mr. CARNAHAN. Mr. Speaker, the House passed H.R. 4899, the Disaster Relief and Summer Jobs Supplemental Appropriations Act of 2010. Included in this bill is a rider containing federal law exemptions for an Army Corp of Engineers and Transportation project in Dallas, Texas. As co-chairman of the House Historic Preservation Caucus and member of this Chamber, I want to express my opposition to exemptions like these that circumvent the established legislative process, committees of jurisdiction, and longstanding administrative processes.

Section 405 in Chapter 4 of H.R. 4899 would exempt the Army Corps of Engineers (Corps) Trinity River Flood Control project in Dallas, Texas, from the National Historic Preservation Act (NHPA), 16 U.S.C. § 470 et seq., and ''any highway project'' in the ''vicinity'' of the Dallas Floodway from Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303 and 23 U.S.C. § 138, setting an alarming precedent and undermining our country's national preservation program.

The NHPA establishes preservation as a national policy and directs the Federal government to provide leadership in preserving, restoring, and maintaining historic and cultural sites significant in American history, architecture, archeology, or engineering. To comply with the Act, Federal agencies having direct or indirect jurisdiction over a proposed Federal or

federally assisted undertaking must evaluate the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. 16 U.S.C. § 470f (also known as ''Section 106'').

In the case of the Trinity River Flood Control Project, the Corps is currently complying with Section 106 of the NHPA by determining whether or not the Dallas Floodway is eligible for inclusion in the National Register. A 55-page research paper produced last November by the Corps cited the levees' historic importance to the development of modern Dallas and noted that the levees are considered a manmade landmark by the American Society of Civil Engineers.

The Federal Highway Administration (FHWA) is also planning to build a toll road, and one of the potential routes would run between the two levees. A determination of National Register eligibility could ultimately affect the route by requiring FHWA and local officials to seek feasible and prudent alternatives that would avoid and minimize harm to the historic levee system—this review is commonly referred to as Section 4(f). There is also a need to restore the levees' integrity and comply with the Federal Emergency Management Agency's new flood risk maps for Dallas.

There are hundreds, if not thousands of projects similar to this underway around the country. Those projects are all following federal laws and utilize administrative options to resolve any issues under the NHPA and Section 4(f). There was no evidence that a broad, blanket exemption from NHPA and Section 4(f) of the Department of Transportation Act warranted Congressional intervention to circumvent longstanding, successful administrative procedures already in place that balance practical needs with the protection of historic resources.

This exemption was inappropriate, unnecessary, and unprecedented. There was no evidence that administrative tools would not have been unable to resolve any issues pertaining to the levees on the Trinity River. Congress should have ensured that the available administrative mechanisms had been fully employed before including this broad and unnecessary exemption that would endanger historic resources intrinsic to the development of a major American city and set a dangerous precedent.

The whole purpose of the Section 106 of the NHPA and Section 4(f) of the Department of Transportation Act is to ensure that federal resources are not used to harm historic properties without the consideration of adverse effects and alternatives. A National Register listing or eligibility does not prevent private property owners from harming or even destroying their own historic properties, as long as no federal funding or federal permits are involved. But where taxpayer dollars are awarded, or federal regulatory authority is invoked, those public benefits must be conditioned on compliance with our federal laws that require historic preservation and other policies to be included in the process of planning specific projects. This does not mean that projects cannot proceed where a historic property is involved; it simply means that the impacts of the projects on that property must be considered and if necessary, mitigated.

In 1966 Congress created Section 106 of the NHPA and Section 4(f) of the DOT Act as tools to balance historic preservation concerns with the needs of federal undertakings. These reviews ensure that federal agencies identify any potential conflicts between their undertakings and historic preservation and resolve any conflicts in the public interest. The process has worked efficiently and effectively for nearly fifty years. The NHPA and Section 4(f) exemption language contained in H.R. 4899 is an affront to the Act's visionary framers.

America's industrial and engineering infrastructure, and associated historic properties are essential to the nation's identity—its culture, history, and economy, past, present and future. In the absence of the protections afforded by Section 106 of the NHPA and Transportation's Section 4(f), those corridors have no meaningful procedural guarantees for preservation consideration, ensuring pieces of American history will be lost forever.

## HONORING DR. DENNIS TRYBUS ON THE OCCASION OF HIS RETIREMENT FROM THE POSITION OF EXECUTIVE DIRECTOR AT THE HELPING HAND REHABILITATION CENTER

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Dr. Dennis Trybus, a constituent in my district who has nurtured children and adults with developmental disabilities to their full potential for the past 12 years while serving as the Executive Director at the Helping Hand Rehabilitation Center.

Helping Hand has been a fixture in my district for over five decades. Established in 1955 at a time when little support existed for children with disabilities and their families, it has now grown into a successful, respected institution serving 500 individuals per year and offering varied services from education to therapy and from vocational support to residential placement in independent group homes.

For the last 12 years, Helping Hand has flourished under the steady hand of the Executive Director Dr. Trybus. Dr. Trybus spearheaded key expansion projects for Helping Hand, with the construction of three new group homes and the establishment of a specialized school for children with autism—a state of the art model facility. Through his long tenure at Helping Hand, he has built many warm relationships with the Center's clients, their families, and the Center's staff, encouraging a culture of commitment and caring at this institution.

Dr. Trybus' commitment to Helping Hand and to its clients will be sorely missed as he retires from this position—an occasion truly worthy of special recognition and commendation. But his achievements will enable Helping Hand to carry on its work long into the future; and I am happy to announce that Helping Hand will celebrate his legacy by naming its newly constructed Wellness Center in his honor.

I ask you to join me in honoring Dr. Dennis Trybus and his work on behalf of people with developmental disabilities, and to wish him a well-deserved long and happy retirement.

## MEDIA SHOW DOUBLE STANDARD ON SUPREME COURT NOMINEES

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. SMITH of Texas. Madam Speaker, the national media have shown a clear double standard in their coverage of Supreme Court nominees, according to recent studies by the Media Research Center (MRC).

MRC found that when President Bush nominated John Roberts and Samuel Alito to the Supreme Court in 2005, the national media repeatedly described both men as ''very conservative.''

In contrast, when President Obama nominated Sonia Sotomayor in 2009 and Elena Kagan this year, the media rarely described them as ''very liberal.''

MRC also found that the television networks gave far more coverage to opponents of Roberts and Alito compared to opponents of Sotomayor and Kagan.

The national media should report the facts, not practice a double standard.

## INTRODUCING LEGISLATION TO IMPROVE THE POST 9/11 VETERANS EDUCATION ASSISTANCE PROGRAM (P.L. 110–252)

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Ms. MOORE of Wisconsin. Madam Speaker, I am proud to rise today to introduce legislation that would help improve one of the major new benefit programs—the Post 9/11 Veterans Education Assistance program (P.L. 110–252)—better known as the Post-9/11 G.I. Bill that Congress created in recognition of the continuing sacrifice of the men and women in our Armed Forces.

This new law provides veterans with active duty service after Sept. 11, 2001 with enhanced educational benefits to cover more expenses including a living allowance and money for books. Just over 2 years ago—June 30, 2008—this legislation was signed into law and the first benefit checks were disbursed in August 2009. While there have been problems at the startup of this program which I hope have now been largely resolved, hundreds of thousands of veterans are now attending classes using the post-9/11 GI bill.

One of the new benefits available for our men and women in uniform is a provision allowing servicemembers to transfer unused benefits to their spouses and dependent children. Children can use these benefits up until age 26 to pursue higher education. This provision was included in recognition of the invaluable and uncompensated sacrifices made by the families of members of the Armed Forces, and in particular their children, who provide unconditional love and support to their loved ones serving in the Armed Forces. The Department of Defense June 2007 Mental Health Task Force report noted that ''The well-being of service members is inextricably linked to the well-being of their families.''

The legislation that I am introducing today—the Post 9/11 G.I. Bill Dependent Coverage

Improvement Act—would make this transferable benefit useful for more families. The current Post-9/11 G.I. bill statute allows children of servicemembers to use these transferred benefits up until age 26 but regulations essentially require that transfer to take place prior to that child turning age 23.

Mr. Speaker, I can find no valid policy reason for this gap. My bill would close this gap and allow children of servicemembers to be transferred these benefits up to the current limit on when they can use those benefits, age 26. This change is written in a way so that its impact is limited to just this program.

This gap was brought to my attention by a constituent, a veteran of multiple wars, who tried to transfer his Post-9/11 GI Bill benefits to his daughter only to be blocked by the age limitation. I can only imagine his disappointment at finding out that he could not pass these hard earned benefits to the daughter he has loved and supported her whole life.

Age 26 is now widely recognized as a critical age up to which other important benefits for dependent children are being tied, including under the new health care reform law. Earlier this month, the FY 2011 National Defense Authorization Act that this House passed would extend coverage under TRICARE for dependent children up to age 26 to match the requirement in the health reform law. If this fix was appropriate for health care benefits, it certainly ought to be appropriate for education benefits.

When the Post-9/11 GI bill was passed we were primarily concerned with increasing the benefits available to our brave servicemen and servicewomen, not putting up more barriers to keep them from accessing them. Unfortunately, this oversight limits the scope of these new benefits in a way that was certainly unintended. With this legislation, we can correct this so all eligible dependents are provided access to the benefits this bill provides. I urge my colleagues to join me in this effort.

## PERSONAL EXPLANATION

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 434, H.R. 4514—Colonel Charles Young Home Study Act, had I been present, I would have voted "aye."

## HONORING ED MOODY

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the journey of Ed Moody. Entrepreneur, citizen, veteran, and family man, Mr. Moody celebrates his 90th birthday among family, friends, and those who in the past nine decades are friends who have become Mr. Moody's family.

While stricken with the mumps, brothers Tom and Ed Moody passed the time by dreaming of opening a business of their own. Delayed by his honorable service in World War II, Tom Moody opened Moody's Tire Company doors April 1, 1944. Ed Moody joined his brother two years later. Constantly seeking to offer a service of necessity and patriotism, Moody's Tire Company learned to retread tires after a freeze was placed on creating a new product. This spirit of devotion to community and country is woven throughout Ed Moody's life.

Ed Moody is known in his community as "Mr. Franklin." His perfect attendance at the Franklin noon Rotary meeting, his devotion to the Boys and Girls Club of Franklin and Williamson County, and his commitment to the ideals of the greatest generation are just a few of the accolades his wife Eileen, their daughters Patsy and Rebecca, his four grandchildren and the rest of the Moody family celebrate today.

I ask my colleagues to join me in wishing "happy birthday" to Mr. Ed Moody. As we celebrate his birth and his lasting mark on the community of Franklin, Tennessee, we wish him many more years of life and love.

## MOROCCAN GOVERNMENT'S CAMPAIGN OF PERSECUTION

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. WOLF. Madam Speaker, I would like to bring to the attention of my colleagues the following op-ed which appeared in the Wall Street Journal on Tuesday, July 6. The Kingdom of Morocco, often portrayed as a beacon of tolerance in the Arab world, has shown its true colors with the recent expulsion of dozens of U.S. citizens and scores of foreign nationals without due process. I urge my colleagues to support these American citizens whose human rights have been violated by the Moroccan government.

[From the Wall Street Journal, July 6, 2010]

EXPELLED IN MOROCCO—U.S. ALLY MISTREATS AMERICAN CHRISTIANS

Morocco has long been considered a bastion of relative religious tolerance in the Muslim world, but since March the government has summarily expelled dozens of Americans for Christian proselytizing.

Of the more than 100 Christians (some of them non-Americans) who have been deported—humanitarian workers, businessmen and teachers—many had lived in Morocco for more than a decade. Most were denied any semblance of due process, and some were given only a few hours to pack their bags. The government has provided little or no evidence of proselytizing, which is illegal in Morocco.

Eddie and Lynn Padilla had been foster parents in the Village of Hope, an orphanage located in the Atlas Mountains east of the capital of Rabat, where they were raising two Moroccan orphan boys under the age of two. The government has long known they are Christians and had granted them a 10-year visa.

That changed on March 9. After three days of police inspection and interrogation, the Padillas were given a few hours to gather their belongings. "It happened so fast that you didn't even really have time to feel the shock of it until later," Mrs. Padilla told us in an interview. "The worst moment of it all was handing over the boys. . . . These children were abandoned by their birth mothers. We were their parents."

Outside of the Christian press, the deportations have largely gone unnoticed. One man who has paid attention is Virginia Representative Frank Wolf, a Republican who co-chairs Congress's Human Rights Commission. In hearings last month, Mr. Wolf scored Secretary of State Hillary Clinton and U.S. Ambassador to Morocco Sam Kaplan for failing to speak up for the expelled Americans.

Mr. Wolf wants Congress to suspend its $697.5 million five-year Millennium Challenge contract with Morocco. The program, which is intended to fight poverty, gives grants to countries based on factors like "ruling justly." U.S. taxpayers won't tolerate financing governments that mistreat Americans solely because of their religion.

## MEDIA SHOW DOUBLE STANDARD ON PROSECUTION OF MEDIA LEAKS

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. SMITH of Texas. Madam Speaker, the national media strongly criticized former President George W. Bush for cracking down on leaks of classified information to the media.

Now, as the Obama Administration intensifies efforts to prosecute media leaks, the national media are mostly silent.

Even the New York Times noticed the double standard:

"In 17 months in office, President Obama has already outdone every previous president in pursuing leak prosecutions. His administration has taken actions that might have provoked sharp political criticism for his predecessor, George W. Bush, who was often in public fights with the press."

The national media should give Americans the facts, not practice a double standard.

## COMMENDING THE FRATERNAL ORDER OF THE EAGLES

### HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. LOEBSACK. Madam Speaker, I rise today to thank the Fraternal Order of the Eagles for their pledge to donate $25 million over the course of the next five years in order to support diabetes research at the University of Iowa.

The Fraternal Order of the Eagles has recognized that diabetes has become an increasingly serious problem in this country, affecting over 23 million Americans. Their pledge to fund diabetes research at the University of Iowa represents an extraordinary commitment to researching better prevention and management techniques to improve the health of our nation.

The University of Iowa is consistently at the forefront of innovative research, and through this new partnership with the Fraternal Order of the Eagles, I am confident that we can discover new ways to reduce the devastating effects of diabetes.

## HONORING TAMPA POLICE DEPARTMENT OFFICERS, JEFFREY KOCAB AND DAVID CURTIS

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Ms. CASTOR of Florida. Madam Speaker, I rise today on behalf of my community as we mourn the deaths of two young Tampa Police Department Officers, Jeffrey Kocab and David Curtis, who were fatally shot in the line of duty.

Tampa families and neighborhoods value the service of the brave officers of the Tampa Police Department. On June 29th 2010 the city lost two valuable members of the forces. The officers were conducting a routine traffic stop when the passenger opened fire, hitting the officers. Both passed away at Tampa General Hospital that same morning.

Jeffrey Kocab began his law enforcement career 2006 and was honored as ''Officer of the Year'' and ''Employee of the Month'' on four separate occasions for his outstanding performance. Officer Kocab was an achiever who loved his work. In the fourteen months he was with the Tampa Police Department he established himself as a fine officer. His outstanding police skills allowed him to move through the department's training program at an accelerated pace and his work was a testament to his strong commitment to law enforcement.

David Curtis was a dedicated four-year Tampa officer. A native of Mobile, Alabama Curtis began working for Hillsborough County Sheriffs Department in 2002 where he was part of the Tactical Action Control team. During his tenure there, he went to Mississippi in 2005 to help with the recovery efforts after Hurricane Katrina. He received outstanding evaluations throughout his time at the sheriff's office, but he knew he wanted to one day be a deputy or a police officer on the street. In 2006 he got that opportunity when he began with the Tampa Police Department where he was soon honored as ''Employee of the Month'' in recognition of his work with a complicated child neglect case. He loved participating in the honor guard and recognizing the people who have given their lives in the line of duty. Officer Curtis was always compassionate with others and was dedicated to his job and community.

Throughout the years we have lost several other police officers and together we honor their memories. Corporal Michael Joseph Roberts was shot and killed in 2009 while investigating a heavily armed man. During his 11 years with the Tampa Police Department he received 33 commendations and awards for his work, including the department's rare ''Life Saving Award.''

We will also always remember the day of May 19, 1998 when Detectives Ricky J. Childers and Randy Scott Bell were shot while transporting the murder suspect of a 4–year old boy. Both detectives were veteran officers of the Tampa Police Department and had received over 30 letters of commendation each during their service on the force. Their loss motivated changes in the Tampa Police Department's law and policy so officers could better protect themselves while in the line of duty.

On behalf of the generous and appreciative families of the Tampa Bay Area, I am proud to salute the outstanding service of these two young heroes and remember all those who have also sacrificed their life to serve their fellow citizens. I know that their families and communities are proud of them and of their accomplishments. These brave men gave their lives to protecting our city. For that, I rise today before the United States House of Representatives to honor the memory of Officers Jeffrey Kocab and David Curtis.

## IN RECOGNITION OF GOOD SAMARITAN RON ROBINSON

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ETHERIDGE. Madam Speaker, I rise today to honor a true hero from my district, Mr. Ron Robinson of Dunn, North Carolina. Mr. Robinson has shown outstanding courage, selflessness and bravery by risking his life to save victims of not one, but two separate car crashes in the past two months.

Once part of the Dunn rescue squad, Ron Robinson quickly put his experience and knowledge to work, helping those in a crucial time of need. A little over a month ago, two young people were in a tragic car accident outside of the Walmart in Dunn, NC. Mr. Robinson, who was shopping at the Walmart as the SUV slammed into the store, was the first to immediately run outside to help the teens trapped inside the vehicle. With his assistance, Triton High senior Dillon Tart, 18, survived the crash with minor injuries. As I honor Mr. Robinson's heroism, I also wish to pause for a moment to mourn Mr. Tart's Triton High classmate, Ashley Moore, who did not survive the crash, despite Mr. Robinson's efforts. This loss does not diminish Mr. Robinson's valor, but does remind us that not all rescues are in our hands.

This past Thursday, July 8, Mr. Robinson once again came face-to-face with a serious car accident, this one off of Interstate 95 in Dunn. The truck involved in the accident was already on fire as Ron approached the crash, but that didn't stop him from crawling into the vehicle and pulling the driver from the flames. Again, Mr. Robinson risked his life to save the life of another.

This kind of bravery and heroism just doesn't happen every day. It is people like Ron Robinson that truly embody the phrase ''Good Samaritan'' and remind us what it means to fulfill the directive to ''help thy neighbor.'' I don't like to think what might have happened had Ron not been at the scene of those crashes, but fortunately he was and he serves as a true example of what it means to be part of a community.

Madam Speaker, I urge my colleagues to join me today in recognizing the heroism of an ordinary man performing extraordinary feats. His selflessness and readiness to help those in need is truly something to be admired. We in North Carolina are proud to call Ron Robinson our hometown hero.

## PERSONAL EXPLANATION

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. PUTNAM. Madam Speaker, on Tuesday, July 13, 2010, I was not present for three recorded votes. Had I been present, I would have voted the following way:

Roll No. 434—''yea.''
Roll No. 435—''yea.''
Roll No. 436—''yea.''

## CONGRATULATING JAMIE OLIVER FOR HIS EMMY NOMINATION

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. RAHALL. Madam Speaker, I bring to my colleagues' attention today Jamie Oliver, who has been nominated for an Emmy for his television series, ''Jamie Oliver's Food Revolution,'' which focused on the children of Huntington, West Virginia. Mr. Oliver highlighted the importance of a community's dedication to improving their kid's health through what they eat and fostering cooperative partnerships with the Cabell County School District, a community kitchen, and by working with families one-on-one to reach their goal.

Jamie Oliver's show helped Cabell County School District transform their meals to include more fresh foods, which is helping our children to improve their health from an early age.

As our nation faces an obesity epidemic, we need to encourage every effort to improve the meals served in our schools. ''Jamie Oliver's Food Revolution'' did just that—and Cabell County School District is continuing to implement his program. Mr. Oliver is a leader in the fight against obesity and I am thankful that he and his staff were able to share their lessons with West Virginia.

To support the efforts begun by ''Jamie Oliver's Food Revolution,'' I am also currently drafting legislation that would create a grant program for school districts, like Cabell County, that seek to improve the health of their students by implementing a nutrition program that provides healthier, less-processed foods to their students.

If federal funds can provide the funding boost school districts need to provide healthier foods, I want to make sure we can set aside those funds to encourage these great initiatives. Studies show a healthier diet promotes the physical well being and academic development of our young people. I believe in the program's potential to pave the way to more nutritious menus in our schools, across W. Va. and the nation.

West Virginia has been at the forefront of efforts to improve school nutrition for the past five years—in fact It was the first state to implement many of the recommendations of the Institute of Medicine, which exceed the current national standards for school nutrition. Mr. Oliver's show continued this effort and definitely made an impact on the entire region and I believe our children will be better for it.

I offer my sincere congratulations to Jamie and wish him the best of luck at the Emmys in August.

## PERSONAL EXPLANATION

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. HINOJOSA. Madam Speaker, I request a leave of absence from the House of Representatives for July 13, 2010 and the balance of the week, due to the effect Hurricane Alex and the tropical depression that quickly followed are having on my district, TX–15, in South Texas.

## RECOGNIZING THE BIG SPRING VETERANS AFFAIRS MEDICAL CENTER FOR 60 YEARS OF SERVICE

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. NEUGEBAUER. Madam Speaker, in his second inaugural address, Abraham Lincoln stated ". . . to care for him who shall have borne the battle and for his widow and his orphan . . ." It is those same words that grace the steps of the headquarters of the Veterans Administration, representing the sacred duty we owe to the men and women who wore the uniform of this great nation.

Some have worn this uniform voluntarily, others by conscription. Others made a life of service in the military their career, often passed down from one generation to the next. The United States generally and west Texas in particular have had a long and proud history of giving thanks to our veterans. Today, American's all-volunteer force is one composed of men and women willing to risk their lives in defense of freedom and liberty for America and her allies, and in return we owe to them a debt of gratitude.

As part of that gratitude, the Big Spring Veterans Affairs Medical Center serves veterans from a 53-county area in west Texas and part of New Mexico. For 60 years now, the Big Spring VAMC has been an institution helping veterans young and old recover from wounds suffered on the field of battle. Without this facility, rural veterans would be at a significant disadvantage in receiving the specialty care many of them have earned. The Big Spring VAMC is a living testament to the men and women of our armed forces.

The Big Spring VAMC provides a wide range of patient care services, including inpatient and outpatient care as well as residential rehabilitation. The hospital is currently expanding to meet the needs of more veterans with a 40–bed residential rehabilitation unit expected to be completed later this year. Through many changes, the Big Spring community has stood in strong support of the hospital and the veterans it serves. I join the community in thanking the Big Spring VMAC for 60 years of service and offer best wishes for many more years to come.

## IN HONOR OF FELIX HARVEY FOR HIS NINETIETH BIRTHDAY

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Felix Harvey, a North Carolina businessman and civic leader, as he turns ninety years young on July 16, 2010.

Felix Harvey was born in Kinston, North Carolina, almost a century ago and yet has never grown old. Felix married his wife, Margaret Little Blount, in 1945 and since then has raised two beautiful daughters, Leigh and Sunny. They have seven grandchildren.

In addition to being a family man, Felix is known for his keen business-savvy that has fueled his success for the past fifty years. Felix has been a good North Carolina businessman in every sense, making a living doing right by the folks in his home state. Felix is Chairman of the Board of Harvey Enterprises and Affiliates, which engages in farming and agricultural supplies, cotton ginning, transportation, real estate, and retail petroleum distribution. In addition, he served on several other corporate boards, including the Board of the North Carolina National Bank, now Bank of America, Integon Corporation and North Carolina Natural Gas, to name a few.

More recently, Felix planted an orchard and opened a fruit stand. There is a Greek proverb that says a society grows great when old men plant trees in whose shade they will never sit. Felix has not just planted a tree, but has planted an entire orchard so that others could enjoy its fruit. Felix is always looking into the future and thinking about how he can expand his horizons, growing and learning every day and making North Carolina a better place to live.

Felix remains active in his community and his free time as well. He has been Vice Chairman of the Board and President of the North Carolina Global Transpark foundation since 1993 and he has had a lasting commitment to his alma mater, the University of North Carolina at Chapel Hill. All the while, he still finds time to get outside and perfect his golf game.

Madam Speaker, I urge my colleagues to join me today in recognizing a man who reminds us that age is just a number. It is with great pride and joy that I wish Felix Harvey, a great friend to me and the state of North Carolina, a happy ninetieth birthday. He is an example to us all in his fervor for life and reminds us to "share the fruit" with our future generations.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,199,290,856,204.31.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,560,865,109,910.50 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## TRIBUTE TO BISHOP ABRAHAM I.J. SWANSON XII

### HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. DRIEHAUS. Madam Speaker, last week Cincinnati lost an iconic figure in our religious community when Bishop Abraham I.J. Swanson XII left this world. More than 65 years ago, Bishop Swanson became the founding pastor at the BibleWay Church of God in Christ. Whether preaching to his congregation or to those listening to his forty years of broadcasts on 1480 WCIN, Pastor Swanson offered words of encouragement, hope, and faith to those struggling the most. His words inspired perseverance in the face of adversity, a reflection of his own faith and his commitment to our community. Those who knew him are profoundly grateful for his service, and in his absence we continue to draw strength from his words: "Hold on to your hope, keep the faith, stand your ground until reinforcement comes; it will come in the morning."

## INTRODUCING THE SCHOOL ENHANCEMENT OF AMERICA'S TALENTED STUDENTS ACT

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. RAHALL. Madam Speaker, today, I introduce the School Enhancement of America's Talented Students Act, a bill to create a competitive grant program for schools that are striving to combat obesity and improve nutrition in our schools.

One-third of America's youth are now overweight or obese, and it's getting worse. We need to act now as a nation to prevent not only a health crisis, but God forbid these kids be called to our national defense years from now. How prepared will we be to defend our shores? We were caught ill prepared before. We established national child nutrition programs, now it's time to keep them working. It is a fact that our Nation's schools now provide over half the calories our children consume through breakfast and lunch programs. We can feed our kids better by simply shifting the recipes our schools use to fresh vegetables and fruits and other healthier alternatives. Healthy habits formed early, last lifetimes. As families grow healthier, our country prospers. Obesity can bankrupt the health of a nation easier than the most complex far-reaching Wall Street scam. Obesity creates a complex formula of inter-related secondary deadly health risks. We are blessed that we can turn the tide.

This bill creates a competitive grant program for school districts that seek to improve the health of our students by implementing a nutrition program that provides healthier meals. The grant program would give priority to states with the highest obesity rates of at least 30

percent for adults and children and where at least 50 percent of the students are eligible for free or reduced lunch. These states, including my home state of West Virginia, face a steep climb in the battle against child obesity. This grant program will help implement initiatives that will improve the health of the students.

''Jamie Oliver's Food Revolution'' was in fact a revolution of recipes for Cabell County Schools in Huntington, West Virginia, where the schools adopted meal plans using more fresh ingredients. I applaud Cabell County Schools for its innovative program, partnering with Mr. Oliver, and continuing with their own ingenuity and hard work. They are leading the way as we all seek to improve the lives and futures of our kids and grandkids. I want to ensure that other Congressional districts confronting similar circumstances have the opportunity to implement a program that encourages fresh foods in school meals.

As Congress moves towards improving the nutrition of school meals through the Child Nutrition Reauthorization, I urge my colleagues to support this program to give our schools an opportunity to serve healthier foods and begin to reduce childhood obesity.

## HONORING GEORGE STEINBRENNER

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Ms. CASTOR of Florida. Madam Speaker, I rise today to celebrate the life of George Steinbrenner and to acknowledge the profound impact he had on the Tampa Bay community through his philanthropic contributions. He leaves behind an extraordinary legacy and will be remembered for his generous spirit that improved the lives of countless families.

Born in Rocky River, Ohio, Mr. Steinbrenner graduated with a bachelor's degree from Williams College in 1952 and earned a master's degree in physical education at the Ohio State University in 1955. He became the owner of the New York Yankees baseball team in 1973 and settled in Tampa in the mideighties. Tampa is the spring training home of the Yankees and the Legend's Field baseball complex that they use was renamed George M. Steinbrenner Field in 2008. Over the past decades, Steinbrenner truly came to consider Tampa ''home,'' evidenced by his abundant contributions to youth sports, public schools, children's issues, military groups, and law enforcement.

He contributed to many different charities, from the Boys and Girls Clubs to the Tampa Mayor's Alliance of Persons with Disabilities to St. Joseph's Children's Hospital. Steinbrenner was determined to make a difference in the lives of his neighbors. In addition to initiating the school district's middle school athletics program, he gave to local schools to help fund new athletics facilities, including football stadiums, lighting, tracks, and an aquatic center. Steinbrenner hosted students every year at the Tampa Bay Performing Arts Center for the annual holiday concert. He also launched the Gold Shields Foundation, an organization that helps families of slain local law enforcement offices.

From a distance, Mr. Steinbrenner may be remembered nationally as the man who assembled baseball powerhouses, but in Tampa his name evokes a legacy of generosity and a true desire for the betterment of others. As a philanthropist, Steinbrenner made his contributions quietly, often preferring to remain anonymous and avoid publicity in his giving.

I rise today on the floor of the United States House of Representatives to honor the life of George Steinbrenner, to pay tribute to his outstanding contributions to the Tampa community. His wife Joan and children Jenny, Hank, and Hal are valued family members of our greater community as well. The Steinbrenner family's spirit of charity is an inspiration to all who know them and their philanthropy will live on in the lives of countless friends and families.

## ABC, WASHINGTON POST SPIN POLL RESULTS

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. SMITH of Texas.. Madam Speaker, Americans' confidence in President Obama has reached a new low, according to an ABC News/Washington Post poll. But ABC and The Post found a way to spin the poll's results and point out negatives for Republicans.

Six in 10 Americans say they lack faith in the President to make the right decisions for the country, according to the poll. A majority disapprove of his handling of the economy.

And those most likely to vote in the midterm elections prefer Republican leadership over continued Democratic rule by a 15-point margin.

These results are indisputably bad news for Democrats. But during ABC's coverage of the poll, George Stephanopoulos, a former Democratic adviser, claimed that ''there's still . . . not a lot of confidence in the Republican Party.''

The Washington Post highlighted a misleading graphic that indicated Americans have more trust in Democrats than Republicans. In fact, a greater number of poll respondents said they had at least some trust in Republicans rather than Democrats.

ABC and the Washington Post should give Americans the facts, not spin their poll results.

## PERSONAL EXPLANATION

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 435—H.R. 4438, San Antonio Missions National Historical Park Leasing and Boundary Expansion Act of 2010—had I been present, I would have voted ''aye.''

## RECOGNIZING THE PASSING OF JUDGE IRVIN DOUGLAS SUGG, SR.

### HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. PERRIELLO. Madam Speaker, I would like to take the time to recognize the passing of Judge Irvin Douglas Sugg, Sr. Judge Sugg was a great man in his community, however, he is most known for being the first African-American judge to preside in Halifax County, Virginia.

Born in 1916, Judge Sugg attended elementary and high school in South Boston, Virginia. He graduated high school from Mary Potter Memorial School, a boarding school in Oxford, NC. After graduation, Judge Sugg matriculated at Virginia Union University in Richmond, Virginia, where he majored in history until he was drafted into the U.S. Army in 1940. His tour of duty lasted until November 1944.

While in the Army, Judge Sugg was stationed at Fort Belvoir, Virginia, and later at Walter Reed Army Medical Center here in Washington, DC. By the end of World War II, he reached the rank of Technical Sergeant, only one promotion from Master Sergeant. He was honorably discharged in November 1945 and had earned the American Defense Campaign Ribbon and the Good Conduct Medal.

Judge Sugg and his family moved back to South Boston where he worked at the Piedmont Grocery Company—his father's store. He was also a professional photographer and real estate investor. Judge Sugg went back to school and earned his B.S. degree in history from Virginia Union University. He also earned his law degree from North Carolina College School of Law—now North Carolina Central University Law School—in Durham, NC, where he graduated cum laude. In 1953, he opened his own law practice in South Boston where he practiced law for 32 years and was the first black lawyer to practice law continuously in Halifax County.

In 1975, Mr. Sugg was appointed by the city of South Boston as Substitute City Court Judge. Three years later, he was appointed Substitute General District Judge for the 10th Judiciary District. In 1985, Judge Sugg was elected by the General Assembly to serve as a judge in the General District Court for the 10th Judicial Circuit, making him the first black judge in the district. In 1991, Judge Sugg won a precedent-setting court case against the state of Virginia, allowing him to work past the mandatory retirement age and serve another six year term. Judge Sugg retired from the bench on February 28, 1998.

Judge Sugg has a long list of personal and professional affiliations including: Omega Psi Phi Fraternity, where he was the longest standing member of Zeta chapter's 90-year history; Free and Accepted Mason, Prince Hall Affiliation; Halifax County School Board member; South Boston Planning Commission member; and member of Mount Olive Baptist Church.

Judge Sugg was married for 68 years to Bernice Humphrey Sugg and was the father to five children, grandfather to 14 and great-grandfather to 15.

Judge Sugg made great contributions to the South Boston community, Virginia and our Nation. He will be greatly missed.

I would like to send my condolences to Judge Sugg's family and friends and to all of the South Boston community.

ON THE 25TH ANNIVERSARY OF THE SERVICE OF THE REV. DR. DWIGHT S. RIDDICK, SR., AT GETHSEMANE BAPTIST CHURCH, NEWPORT NEWS, VIRGINIA

## HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. SCOTT of Virginia. Madam Speaker, I rise today to honor Reverend Dr. Dwight S. Riddick, Pastor of Gethsemane Baptist Church in Newport News, Virginia. This is the 25th anniversary of Dr. Riddick's service to Gethsemane Baptist and the people of Newport News, and I would like to take this moment to recognize some of his numerous accomplishments during that time.

A native of Chesapeake, Virginia, Dr. Riddick is a graduate of Norfolk State University. In 1991, he received his Master's Degree of Divinity from the Samuel Dewitt Proctor School of Theology at Virginia Union University in Richmond, and in 2005, he earned his Doctorate in Ministry from Regent University in Virginia Beach. Dr. Riddick previously served six years as pastor of First Baptist Church of Dendron, Virginia before coming to Gethsemane Baptist.

In his position as Pastor of Gethsemane, Dr. Riddick has been an extraordinary shepherd over a vibrant and growing flock. Under his visionary leadership, Gethsemane Baptist has grown from a mission with 200 individuals to a church with well over 3,000 active members. I have attended Sunday services at Gethsemane Baptist and have seen his hand at work in his church and community. During his tenure, the Church established a learning and child development center, a Christian school and a Bible Institute. In addition, several community outreach programs and ministries have been created during Dr. Riddick's tenure.

Dr. Riddick led a successful building program which resulted in the construction of the current church building at Chestnut Avenue and 36th Street, and he is currently leading another building program which will result in the Church's second location on a 16-acre campus in Newport News.

Aside from his duties at Gethsemane, Dr. Riddick currently serves as the President of the Baptist General Convention of Virginia, a group with over 1000 member churches. He also serves as the Vice President of the Hampton University Minister's Conference, a member of the Board of Trustees at Virginia Union University, and an Advisory Committee member of Consolidated Bank and Trust.

On the occasion of his 25th anniversary, it gives me great pleasure to recognize and commend Reverend Dr. Dwight S. Riddick for his service and dedication to the parishioners of Gethsemane Baptist Church, the people of Newport News, and the Commonwealth of Virginia.

HONORING MIAMI-DADE COUNTY AVIATION DEPARTMENT ASSOCIATE DIRECTOR OF GOVERNMENT AFFAIRS ANA M. SOTORRIO

## HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 2010*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Ana Sotorrio, the Associate Director of Government Affairs for the Miami-Dade Aviation Department, who has announced that she will be retiring from her post after 30 years of dedicated service to our community.

Mrs. Sotorrio joined Miami Dade's Aviation Department in 1988 and became an Associate Director in 1990. The Miami-Dade Aviation Department operates several aviation facilities, including Miami International Airport. Under her tenure, the airport experienced dramatic growth, becoming one of the leading international passenger and freight airports in the world, as well as the largest U.S. gateway for Latin America and the Caribbean. As Associate Director of Government Affairs for the department, Mrs. Sotorrio worked alongside the Miami-Dade Board of County Commissioners and gained approval for several of her department's leases, contracts, fiscal, and legislative proposals.

Ana has left a mark of professionalism and serves as an example for others to follow.

Mrs. Sotorrio has earned the opportunity to spend time with her loved ones and dedicate herself to other pursuits. Her family is everything to her, and she will love spending more time with her beloved granddaughter, Bianca, her son, Carlos Jr., her daughter, Jessica, and of course, her husband, Carlos to whom she has been married for over 35 years.

On behalf of a grateful community, I wish to thank Ana Sotorrio for her outstanding service and wish her the best in her future endeavors. Ana, may you long enjoy your retirement with family and friends.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 15, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

JULY 20

10 a.m.

Judiciary

Business meeting to consider the nominations of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States, and James Michael Cole, of the District of Columbia, to be Deputy Attorney General, Department of Justice.

SH–216

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine continuing oversight on international cooperation to modernize financial regulation.

SD–538

2 p.m.

Rules and Administration

Business meeting to consider the nomination of William J. Boarman, of Maryland, to be Public Printer, Government Printing Office.

S–216, Capitol

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Iraq, Maura Connelly, of New Jersey, to be Ambassador to the Republic of Lebanon, and Gerald M. Feierstein, of Pennsylvania, to be Ambassador to the Republic of Yemen, all of the Department of State.

SD–419

Intelligence

To hold hearings to examine the nomination of James R. Clapper, of Virginia, to be Director of National Intelligence.

SD–G50

JULY 21

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Veterans' Affairs

To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.

SR–418

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual monetary policy report to the Congress.

SD–G50

Finance

To hold hearings to examine an update on the Troubled Asset Relief Program (TARP).

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine treating rare and neglected pediatric diseases, focusing on promoting the development of new treatments and cures.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the Homeland Security Department's Quadrennial Homeland Security Review and Bottom Up Review.

SD–342

Judiciary

To hold hearings to examine the Second Chance Act, focusing on strengthening safe and effective community reentry.

SD–226

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine ensuring effective clean up and restoration in the Gulf.
SR–253

2 p.m.
Aging
To hold hearings to examine continuing care retirement communities (CCRCs), focusing on if CCRCs are a secure retirement or a risky investment.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine Security and Accountability For Every (SAFE) Port Act reauthorization, focusing on our nations infrastructure.
SR–253

Foreign Relations
To hold hearings to examine the nominations of Scot Alan Marciel, of California, to be Ambassador to the Republic of Indonesia, Judith R. Fergin, of Washington, to be Ambassador to the Democratic Republic of Timor-Leste, and Helen Patricia Reed-Rowe, of Maryland, to be Ambassador to the Republic of Palau, all of the Department of State, and Robert M. Orr, of Florida, to be United States Director of the Asian Development Bank, with the rank of Ambassador.
SD–419

JULY 22

10 a.m.
Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
To hold hearings to examine disaster medical preparedness, focusing on improving coordination and collaboration in the delivery of medical assistance during disasters.
SD–342

Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine workplace safety and worker protections at BP.
SD–430

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To resume hearings to examine the Gulf of Mexico oil spill, focusing on ensuring a financially responsible recovery.
SD–342

JULY 28

10 a.m.
Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation.
SD–226

JULY 29

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities.
SD–342

AUGUST 5

9:30 a.m.
Veterans' Affairs
Business meeting to consider pending calendar business.
SR–418

SEPTEMBER 22

9:30 a.m.
Veterans' Affairs
To hold hearings to examine a legislative presentation focusing on the American Legion.
345, Cannon Building

SEPTEMBER 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.
SR–418

## POSTPONEMENTS

JULY 21

10 a.m.
Homeland Security and Governmental Affairs
To resume hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses.
SD–342

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S5797–S5868***

**Measures Introduced:** Fifteen bills and two resolutions were introduced, as follows: S. 3577–3591, and S. Res. 581–582. **Pages S5849–50**

**Measures Reported:**

Report to accompany S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States. (S. Rept. No. 111–220)

H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services, with an amendment in the nature of a substitute.

S.J. Res. 29, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. **Page S5849**

**Measures Passed:**

***Steve Goodman Post Office Building:*** Senate passed H.R. 4861, to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building", clearing the measure for the President. **Page S5867**

***Zachary Smith Post Office Building:*** Senate passed H.R. 5051, to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building", clearing the measure for the President. **Page S5867**

***Michael C. Rothberg Post Office:*** Senate passed H.R. 5099, to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office", clearing the measure for the President. **Page S5867**

***Emergency Management Assistance Compact Grant Reauthorization Act:*** Senate passed S. 1288, to authorize appropriations for grants to the States participating in the Emergency Management Assistance Compact, after agreeing to the committee amendment in the nature of a substitute. **Page S5867**

***Discharge Permits:*** Senate passed S. 3372, to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels. **Page S5867**

**Conference Reports:**

***Wall Street Reform and Consumer Protection Act—Agreement:*** A unanimous-consent-time agreement was reached providing that at approximately 9:30 a.m., on Thursday, July 15, 2010, following any Leader time, Senate resume consideration of the conference report to accompany H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, with the time until 11 a.m., equally divided and controlled between Senators Dodd and Shelby, or their designees; with the 20 minutes prior to 11 a.m., divided as follows: 5 minutes each in the following order: Senator Shelby, Senator Dodd, Senator McConnell, Senator Reid; that at 11 a.m., Senate vote on the motion to invoke cloture on the conference report. **Page S5867**

**Nominations Received:** Senate received the following nominations:

Victoria Frances Nourse, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

Beryl Alaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia.

Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas.

Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

Conrad Ernest Candelaria, of New Mexico, to be United States Marshal for the District of New Mexico for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Joseph Anthony Papili, of Delaware, to be United States Marshal for the District of Delaware for the term of four years.

James Alfred Thompson, of Utah, to be United States Marshal for the District of Utah for the term of four years.

Mark F. Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

4 Marine Corps nominations in the rank of general.

Routine lists in the Army and Navy.

**Pages S5867–68**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois, which was sent to the Senate on June 17, 2010.

**Page S5868**

**Messages from the House:** **Pages S5847–48**

**Measures Referred:** **Page S5848**

**Measures Placed on the Calendar:** **Pages S5797, S5848**

**Measures Read the First Time:** **Pages S5848, S5867**

**Executive Communications:** **Pages S5848–49**

**Additional Cosponsors:** **Pages S5850–51**

**Statements on Introduced Bills/Resolutions:** **Pages S5851–59**

**Additional Statements:** **Pages S5845–47**

**Amendments Submitted:** **Pages S5859–66**

**Authorities for Committees to Meet:** **Page S5866**

**Privileges of the Floor:** **Pages S5866–67**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 8:01 p.m., until 9:30 a.m. on Thursday, July 15, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5867.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

*Committee on Appropriations:* Subcommittee on Military Construction and Veterans Affairs, and Related Agencies approved for full committee consideration an original bill making appropriations for Military Construction and Veterans Affairs, and Related Agencies for fiscal year 2011.

## NEW START TREATY

*Committee on Armed Services:* Committee received a closed briefing on the National Intelligence Estimate on the verifiability of the New START from Andrew M. Gibb, National Intelligence Officer for Weapons of Mass Destruction, National Intelligence Council; Robert Walpole, Principal Deputy Director, National Counter Proliferation Center; and Richard Weiss, Chief, and Richard Trout, Deputy, both of the Threat Reduction and Monitoring Group, and DNI Treaty Monitoring Manager in the CIA/Directorate of Intelligence's Weapons Intelligence, Nonproliferation, and Arms Control Center.

## ASIAN CARP

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded an oversight hearing to examine the Federal response to the discovery of the aquatic invasive species Asian carp in Lake Calumet, Illinois, after receiving testimony from Nancy H. Sutley, Chair, Council of Environmental Quality; Leon Carl, Midwest Area Regional Executive, U.S. Geological Survey, Department of the Interior; John Rogner, Illinois Department of Natural Resources, Springfield; and Tim Eder, Great Lakes Commission, Ann Arbor, Michigan.

## INDIVIDUAL TAX RATES

*Committee on Finance:* Committee concluded a hearing to examine the future of individual tax rates, focusing on effects on economic growth and distribution, after receiving testimony from Carol Markman, Feldman, Meinberg and Co. LLP, Syosset, New York, on behalf of the National Conference of CPA Practitioners; David Marzahl, Center for Economic Progress, Chicago, Illinois; Donald B. Marron, Urban-Brookings Tax Policy Center, and Douglas Holtz-Eakin, American Action Forum, both of Washington, D.C.; and Leonard E. Burman, Syracuse University Maxwell School, Syracuse, New York.

### MARINE CONSERVATION AND EXPORTS

*Committee on Finance:* Subcommittee on International Trade, Customs, and Global Competitiveness concluded a hearing to examine marine wealth, focusing on promoting conservation and advancing American exports, after receiving testimony from Eric C. Schwaab, Assistant Administrator for Fisheries, and Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Mark Linscott, Assistant United States Trade Representative for Environment and Natural Resources, Office of the United States Trade Representative; Ted Danson, Oceana, Los Angeles, California; David Schorr, World Wildlife Fund, Washington, D.C.; Rod Moore, West Coast Seafood Processors Association, Portland, Oregon; and Tom Bastoni, American Seafoods Group, LLC, New Bedford, Massachusetts.

### NEW START TREATY

*Committee on Foreign Relations:* Committee concluded a closed hearing to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), after receiving testimony from officials of the intelligence community.

### AFGHANISTAN

*Committee on Foreign Relations:* Committee concluded a hearing to examine Afghanistan, focusing on governance and civilian strategy, after receiving testimony from Richard C. Holbrooke, Special Representative for Afghanistan and Pakistan, Department of State.

### JUSTICE AGAINST SPONSORS OF TERRORISM ACT

*Committee on the Judiciary:* Subcommittee on Crime and Drugs concluded a hearing to examine S. 2930, to deter terrorism, provide justice for victims, after receiving testimony from Abraham D. Sofaer, Stanford University Hoover Institution, Stanford, California; Richard Klingler, Sidley Austin LLP, and John B. Bellinger III, Arnold & Porter LLP, both of Washington, D.C.; and Evan F. Kohlmann, Flashpoint Global Partners, and Lee S. Wolosky, Boies, Schiller & Flexner LLP, both of New York, New York.

### VETERANS BENEFIT CLAIM PROCESS

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine veterans' claims processing, focusing on if current efforts are working, after receiving testimony from Michael Walcoff, Acting Under Secretary for Benefits, Diana M. Rubens, Associate Deputy Under Secretary for Field Operations, Peter L. Levin, Chief Technology Officer, and Joseph Thompson, former Under Secretary for Benefits, all of the Veterans Benefits Administration, Department of Veterans Affairs; Linda Jan Avant, American Federation of Government Employees, Little Rock, Arkansas; Richard Paul Cohen, National Organization of Veterans' Advocates, Inc., and Joseph A. Violante, Disabled American Veterans, on behalf of the Independent Budget, both of Washington, D.C.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 11 public bills, H.R. 5730–5740; and 4 resolutions, H. Res. 1515–1516, 1518–1519 were introduced.

**Pages H5616–17**

**Additional Cosponsors:** **Pages H5617–18**

**Reports Filed:** Reports were filed today as follows:

H.R. 5381, to require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, with an amendment (H. Rept. 111–536) and

H. Res. 1517, providing for consideration of the bill (H.R. 5114) to extend the authorization for the national flood insurance program and to identify priorities essential to reform and ongoing stable functioning of the program (H. Rept. 111–537).

**Page H5616**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H5549**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Improper Payments Elimination and Recovery Act of 2010:*** S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321

note) in order to prevent the loss of billions in taxpayer dollars, by a ⅔ yea-and-nay vote of 414 yeas with none voting "nay", Roll No. 442; **Pages H5553–58, H5590**

***David John Donafee Post Office Building Designation Act:*** H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafee Post Office Building"; **Pages H5558–60**

***Clarence D. Lumpkin Post Office Designation Act:*** Concurred in the Senate amendments to H.R. 4840, to designate the facility of the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office"; **Pages H5560–61**

***Tom Bradley Post Office Building Designation Act:*** H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building"; **Pages H5561–63**

***Veterans', Seniors', and Children's Health Technical Corrections Act of 2010:*** H.R. 5712, to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program; and **Pages H5563–65**

***Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003:*** H.J. Res. 83, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. **Pages H5565–67**

Agreed to amend the title so as to read: "Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.". **Page H5567**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, July 13th:

***Amending the Hydrographic Services Improvement Act of 1998:*** H.R. 2864, amended, to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes, by a ⅔ yea-and-nay vote of 420 yeas with none voting "nay", Roll No. 439. **Pages H5576–77**

**Telework Improvements Act of 2010:** The House passed H.R. 1722, to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, by a yea-and-nay vote of 290 yeas to 131 nays, Roll No. 441. **Pages H5567–90**

Agreed to the Issa motion to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 303 yeas to 119 nays, Roll No. 440. Subsequently, Representative Lynch reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H5586–89**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill, modified by the amendment printed in H. Rept. 111–535, shall be considered as adopted. **Page H5577**

Agreed to amend the title so as to read: "To require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.". **Page H5590**

H. Res. 1509, the rule providing for consideration of the bill, was agreed to by a recorded vote of 238 ayes to 180 noes, Roll No. 438, after the previous question was ordered by a yea-and-nay vote of 232 yeas to 184 nays, Roll No. 437. **Pages H5575–76**

Pursuant to the rule, H. Res. 1496 is laid on the table.

**Senate Message:** Message received from the Senate today appears on page H5560.

**Quorum Calls—Votes:** Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H5575–76, H5576, H5576–77, H5588, H5589–90, H5590. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:40 p.m.

# *Committee Meetings*

## RURAL ENERGY SAVINGS PROGRAM ACT

*Committee on Agriculture:* Ordered reported, as amended, H.R. 4785, Rural Energy Savings Program Act.

## MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies approved for full Committee action the FY 2011 Military Construction, VA Appropriations bill.

## MARITIME ADMINISTRATION OVERSIGHT

*Committee on Armed Services:* Subcommittee on Seapower and Expeditionary Forces held an oversight

hearing on the activities of the Maritime Administration. Testimony was heard from David Matsuda, Administrator, Maritime Administration, Department of Transportation.

## RECOVERY ACT UPDATE

*Committee on the Budget:* Held a hearing on the American Recovery and Reinvestment Act of 2009: An Update. Testimony was heard from Tom Vilsack, Secretary of Agriculture; Matt Rogers, Senior Advisor to the Secretary of Energy; and public witnesses.

## IMPROVING NUTRITION FOR AMERICA'S CHILDREN ACT

*Committee on Education and Labor:* Began markup of H.R. 5504, Improving Nutrition for America's Children Act.

Will continue tomorrow.

## NATIONAL MANUFACTURING STRATEGY ACT

*Committee on Energy and Commerce:* Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 4692, National Manufacturing Strategy Act of 2010. Testimony was heard from Aneesh Chopra, Associate Director, Technology and Chief Technology Officer, Office of Science and Technology Policy; and public witnesses.

## ANTIBIOTICS IN ANIMAL AGRICULTURE

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled "Antibiotic Resistance and the Use of Antibiotics in Animal Agriculture." Testimony was heard from the following officials of the Department of Health and Human Services: Joshua Sharfstein, M.D., Principal Deputy Commissioner, FDA; and RADM Ali S. Khan, M.D., Assistant Surgeon General, Acting Deputy Director, National Center for Emerging and Zoonotic Infectious Disease, Centers for Disease Control and Prevention; John Clifford, Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA; and public witnesses.

## MISCELLANEOUS MEASURES; COMMITTEE RESOLUTIONS

*Committee on House Administration:* Ordered reported the following measures: H.R. 5493, To provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol; H.R. 5711, To provide for the furnishing of statues by the territories of the United States for display in Statuary Hall in the United States Capitol; H.R. 5681, To improve certain administrative operations of the Library of Congress; H.R. 5682, To improve the operation of certain facilities and programs of the House of Representatives; and H.R. 5717, To authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia.

The Committee also approved the following Committee resolutions: to adopt voucher documentation standards; and pertaining to online advertising.

## ETHICAL IMPERATIVE FOR IMMIGRATION REFORM

*Committee on the Judiciary:* Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on the Ethical Imperative for Reform of our Immigration System. Testimony was heard from public witnesses.

## CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT

*Committee on Natural Resources:* Began markup of H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009.

Will continue tomorrow.

## FLOOD INSURANCE REFORM PRIORITIES ACT

*Committee on Rules:* Granted, by a non-record vote, a structured rule providing consideration of H.R. 5114, the "Flood Insurance Reform Priorities Act of 2010." The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this 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. The rule waives all points of order against the amendments made in order except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the

Committee on Financial Services or a designee. Finally, the rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard from Representatives Waters, Taylor, Lee of California, Capito, Rohrabacher, Miller of Michigan, and Scalise.

### OIL POLLUTION; GAS-OIL DRILLING MEASURES

*Committee on Science and Technology:* Ordered reported, as amended, the following bills: H.R. 2693, Federal Oil Spill Research Program Act; and H.R. 5716, Safer Oil and Natural Gas Drilling Technology Research and Development Act.

### BONUS DEPRECIATION TAX INCENTIVES

*Committee on Small Business:* Held a hearing entitled "Bonus Depreciation: What It Means for Small Business."

### AIRLINE FEES

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held a hearing on Airline Fees. Testimony was heard from Gerald Dillingham, Director, Civil Aviation Issues, GAO; Robert S. Rivkin, General Counsel, Department of Transportation; and public witnesses.

### VA SUICIDE PREVENTION OUTREACH EFFORTS

*Committee on Veterans' Affairs:* Subcommittee on Oversight and Investigations held a hearing on Examining the Progress of Suicide Prevention Outreach Efforts at the U.S. Department of Veterans Affairs. Testimony was heard from COL Robert W. Saum, USA, Director, Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, Department of Defense; Robert L. Jesse, M.D., Principal Deputy Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

### REINSURANCE

*Committee on Ways and Means:* Subcommittee on Select Revenue Measures held a hearing on the taxation of reinsurance between affiliated entities. Testimony was heard from Stephen E. Shay, Deputy Assistant Secretary, International Tax Affairs, Department of the Treasury; and public witnesses.

## *Joint Meetings*

### ECONOMIC OUTLOOK

*Joint Economic Committee:* Committee concluded a hearing to examine the economic outlook, after receiving testimony from Christina D. Romer, Chair, Council of Economic Advisors, Washington, D.C.

### TRAFFICKING IN PERSONS REPORT

*Commission on Security and Cooperation in Europe.* Commission concluded a hearing to examine the future outlook for the annual Trafficking in Persons (TIP) Report prepared by the United States Department of State and help facilitate greater use of the report as a valuable tool of diplomacy, after receiving testimony from Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, Department of State; Maria Grazia Giammarinaro, Organization for Security and Cooperation in Europe Special Representative and Coordinator for Combating Trafficking in Human Beings, Vienna, Austria; and Jolene Smith, Free the Slaves, and Jeffrey Blom, International Justice Mission, both of Washington, D.C.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D772)*

S. 3104, to permanently authorize Radio Free Asia. Signed on July 13th, 2010. (Public Law 111–202)

## COMMITTEE MEETINGS FOR THURSDAY, JULY 15, 2010

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine the use of dispersants in response to the Deepwater Horizon oil spill, 10 a.m., SD–192.

Full Committee, business meeting to mark up proposed budget estimates for fiscal year 2011 for Military Construction and Veterans Affairs, Department of Homeland Security, Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, 2:30 p.m., SD–106.

*Committee on Armed Services:* to hold hearings to examine sustaining nuclear weapons under the New START; to be immediately followed by a closed hearing in SVC–217, 9:30 a.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine the nominations of Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Peter A. Diamond, of Massachusetts, Sarah Bloom Raskin, of Maryland, all to be a Member of the Board of Governors of the Federal Reserve System, Osvaldo Luis Gratacós Munet, of Puerto Rico, to be Inspector General, Export-Import Bank, and Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency, 9 a.m., SD–538.

*Committee on the Budget:* to hold hearings with the Task Force on Government Performance to examine responsible contracting, focusing on modernizing the business of government, 10 a.m., SD–608.

*Committee on Commerce, Science, and Transportation:* business meeting to consider S. 3304, to increase the access of persons with disabilities to modern communications, an original bill entitled the NASA Authorization Act of 2011, an original bill entitled Maritime Administration Act of Fiscal Year 2011, and a promotion list in the United States Coast Guard, 10 a.m., SR–253.

Subcommittee on Consumer Protection, Product Safety, and Insurance, to hold hearings to examine protecting youths in an online world, 2 p.m., SR–253.

*Committee on Finance:* to hold hearings to examine choosing to work during retirement and the impact on Social Security, 10 a.m., SD–215.

*Committee on Foreign Relations:* to continue hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc.111–05), focusing on maintaining a safe, secure and effective nuclear arsenal, 2:30 p.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine preventing and recovering Medicare payment errors, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the Federal government's role in empowering Americans to make informed financial decisions, 2:30 p.m., SD–342.

*Committee on the Judiciary:* to hold hearings to examine the nominations of Mary Helen Murguia, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Edmond E-Min Chang, to be United States District Judge for the Northern District of Illinois, Leslie E. Kobayashi, to be United States District Judge for the District of Hawaii, Denise Jefferson Casper, to be United States District Judge for the District of Massachusetts, and Carlton W. Reeves, to be United States District Judge for the Southern District of Mississippi, 4 p.m., SD–226.

## House

*Committee on Appropriations,* Subcommittee on Energy and Water Development, and Related Agencies, to mark up the FY 2011 Energy and Water Appropriations bill, 2 p.m., 2362–B Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to mark up the FY 2011 Labor, HHS, Education Appropriations bill, 4 p.m., 2358–B Rayburn.

Subcommittee on State, Foreign Operations, and Related Programs, oversight hearing on U.S. Civilian Assistance for Afghanistan, 10 a.m., 2359 Rayburn.

*Committee on Education and Labor,* to continue markup of H.R. 5504, Improving Nutrition for America's Children Act, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* to mark up the following measures: H.R. 5626, Blowout Prevention Act of 2010; H.R. 2480, Truth in Fur Labeling Act of 2010; H.R. 4501, Guarantee of a Legitimate Deal Act of 2010, amended; H.R. 1796, Carbon Monoxide Poisoning Prevention Act, amended; and H. Res. 1466, Of inquiry requesting the President and directing the Secretary of Energy to provide certain documents to the House of Representatives relating to the Department of Energy's application to foreclose use of Yucca Mountain as a high level nuclear waste repository, 9:30 a.m., 2123 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Asia, the Pacific, and the Global Environment, hearing on Agent Orange in Vietnam: Recent Developments in Remediation, 2 p.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Border, Maritime and Global Counterterrrorism, hearing entitled ''The Role of Unmanned Aerial Systems in Border Security,'' 10 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law, hearing on H.R. 901, Medical Bankruptcy Fairness Act, 11 a.m., 2141 Rayburn.

*Committee on Natural Resources,* to continue markup of H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009, 9:15 a.m., 1324 Longworth.

Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on Technical Assistance Program: Evaluating its Ability to Meet the Needs of the Insular Areas, 2 p.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, oversight hearing entitled ''Locally Grown: Creating Rural Jobs with America's Public Lands,'' 10:30 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing entitled ''The Bureau of Reclamation and the American Recovery and Reinvestment Act: A Progress Report and Planning for the Future,'' 10:30 a.m., 1334 Longworth.

*Committee on Oversight and Government Reform,* to mark up the following measures: H. Con. Res. 226, Supporting the observance of ''Spirit of '45 Day;'' H.J. Res. 90, Expressing support for designation of September 2010 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; H.R. 771, Supporting the goals and ideals of a National Mesothelioma Awareness Day; H. Res. 1475, Congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary; and H. Res. 1513, Congratulating the Saratoga Race Course as it celebrates its 142nd season, 10 a.m., 2154 Rayburn.

*Committee on Science and Technology,* Subcommittee on Technology and Innovation, hearing on Planning for the Future of Cyber Attack Attribution, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Contracting and Technology, hearing entitled ''Improving Contracting Opportunities and Preventing Fraud for Service-Disabled Veteran-Owned Small Businesses,'' 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on the Safety of Hazardous Liquid Pipelines (Part 2): Integrity Management, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Putting American Back to Work Through Clean Water Infrastructure Investment, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Economic Opportunity, to mark up the following bills: H.R. 929, To amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out a program of training to provide eligible veterans with skills relevant to the job market; H.R. 3685, To require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; H.R. 4359, WARMER Act; H.R. 4469, To amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; H.R. 4664, To amend the Servicemembers Civil Relief Act to provide for a one-year moratorium on the sale or foreclosure of property owned by surviving spouses of servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom; H.R. 4765, To amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices; H.R. 5360, Blinded Veterans Adaptive Housing Improvement Act of 2010; and H.R. 5484, VetStar Veteran-Friendly Business Act of 2010, 1 p.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Social Security, hearing on the continued importance of Social Security for seniors, survivors, and persons with disabilities and their families as the program approaches its 75th anniversary, 9:30 a.m., B–318 Rayburn.

*Permanent Select Committee on Intelligence,* executive, briefing on the Russian illegal agents exchange, 9 a.m., 304 HVC.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, July 15

Senate Chamber

**Program for Thursday:** Senate will resume consideration of the conference report to accompany H.R. 4173, Wall Street Reform and Consumer Protection Act, and after a period of debate, vote on the motion to invoke cloture on the conference report at approximately 11 a.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 15

House Chamber

**Program for Thursday:** Consideration of H.R. 5114—Flood Insurance Reform Priorities Act of 2010 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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