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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

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

At times of conflict we pray for peace. In times of violence, as we long for serenity, we pray for victims and the conversion of perpetrators.

At times of anger and hatred we search for signs of charity and cling in respect for each other and from each other. At times of senseless acts, we pray for wisdom that will give meaning and define common purpose.

O gracious God, shape us into a unified force that sees our battle as truly spiritual. Give us strength to fight for what is right no matter the risk.

Because we rely upon Your grace, we will give Your Holy Name the honor, the power and the glory both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER 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

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

SMALL BUSINESS LENDING ACT

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

Mrs. DAHLKEMPER. Madam Speaker, today is a great day for small businesses in the United States. The small Business Lending Act we are voting on today will give $12 billion in tax relief to small businesses and increase access to capital through community banks.

These $12 billion in tax cuts, including a 100 percent exclusion of capital gains tax on small business investments, saves entrepreneurs money that they can put right back into their businesses. This legislation creates a $30 billion small business lending fund to help community banks, not Wall Street banks, lend to our small businesses.

Access to capital is the biggest concern facing our small businesses today. That's why we included my plan to increase the cap on Small Business Administration express loans from $350,000 to $1 million.

More capital for business means that they can expand and create new jobs. Helping businesses grow is essential to our economic recovery and getting people back to work. As a small business owner, I am proud to support this plan to provide tax relief to businesses and give them access to capital they need.

HEALTH CARE TAX INCREASE

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

Mr. TURNER. Mr. Speaker, last March I voted against ObamaCare, the government takeover of health care, in part because it imposed over half a trillion dollars of additional taxes, fees, and costs on an already struggling U.S. economy. Throughout the year-long debate, small business owners in my district and across the country expressed concerns that the bill would increase their health care-related costs.

While back in my district this August, I encountered businesses already preparing to face the consequences of the over 2,000-page health care bill. Ferno-Washington, Inc., is an emergency and medical equipment manufacturing company that is based in Wilmington, Ohio, in my district. The company is preparing for the health care bill's new 2.3 percent excise tax on the sale of medical devices.

The business leaders at Ferno estimate the cost of the tax puts at risk 23 jobs. Also, they are concerned that this tax will reduce their ability to fund research and development to produce cutting-edge advanced products.

In Clinton County, the unemployment rate hovers around 17 percent. We cannot afford the impact of ObamaCare's tax increases upon businesses like Ferno. We need to replace ObamaCare.

AIDS DRUG ASSISTANCE PROGRAM FUNDING CRISIS

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

Mr. HASTINGS of Florida. Mr. Speaker, our Nation's AIDS Drug Assistance Programs, ADAPs, are experiencing a funding crisis. Thousands of our most vulnerable citizens are counting on Congress to ensure that they have access to the medications they need to stay alive. To make matters worse, the Census Bureau reports that the number of uninsured Americans rose sharply last year to an all-time high of 50.7 million due to the difficult economy.

It is projected that tens of thousands more individuals will soon require the vital services that State ADAPs provide to low income, uninsured and underinsured individuals living with

HIV/AIDS. The issue hits close to home. Currently, of the 3,214 individuals on ADAP waiting lists, Florida has 1,712 of them. This is outrageous.

Congress must increase its commitment to State ADAPs while continuing to fund other AIDS programs. This problem is not going away. We need a long-term solution until the Affordable Care Act takes full effect in 2014. I urge this body to bring an emergency supplemental of $25 million to the floor for a vote.

□ 1010

TAX INCREASES KILL JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, sadly, unemployment in South Carolina has increased to 11 percent. Citizens rightfully want to know where are the jobs? Republicans have made positive proposals to help small businesses create jobs, but they are falling on deaf ears. Americans across the country are hurting and cannot wait another day, let alone another few months, to know whether or not Congress is going to offer job creation incentives and tax relief.

During these tough economic times, the last thing families need are more tax increases. The Heritage Foundation has some staggering numbers about how the incoming tax increases would kill jobs in South Carolina. The Heritage Foundation has found that the State of South Carolina would lose over 9,000 jobs a year, and South Carolina's families would loss $3,000 each in disposable income.

If these statistics become a reality on our families, the impact would be catastrophic. We need immediate tax relief, not job-killing tax increases.

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

HEALTH INSURANCE HIKES

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

Mr. BLUMENAUER. I'm outraged by the blatant lies being told by some health insurance companies. I have a renewal statement here for a small business with a 28 percent increase, allegedly all because of health insurance reform.

How do we know it's a lie? Because the rate hike was requested before health reform passed. Health insurance rates were increasing at an astounding rate before health reform. That is why we passed the law, because consumers were paying more and getting less.

Their business model is dying, and health reform has nothing to do with it.

Hello. Without new exchanges, new tax credits for small businesses and subsidies for families, your industry is in a death spiral because people can't afford to buy your product.

The recent shocking rate increases are exactly why we need to implement health reform as soon as possible. We can't afford to slow down, let alone turn back. If insurance companies were honest, they would admit they can't afford it either.

LEAVE GRAY WOLF MANAGEMENT TO MONTANANS

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

Mr. REHBERG. Everyone has heard the story about the three little pigs and the wolf that huffs and puffs his way through a house made of straw and a house made of wood. Montanans face a similar situation with the status of the Rocky Mountain gray wolf as an endangered species. The science says that the gray wolf is no longer endangered in Montana and Idaho. The targets set by the Endangered Species Act were surpassed years ago. But powerful out-of-State interests have huffed and puffed and used all sorts of dirty tricks and gotten the gray wolf relisted for the second time over the recommendation of the Obama and Bush administrations.

In the story, the three little pigs find shelter in a house made of stone. If that's what it takes, a legislative solution, that's what we'll do.

I've heard from more than 1,000 people in the last few days who've weighed in on a legislative solution, and it's time to start building that stone house.

PATIENTS BILL OF RIGHTS

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

Ms. SCHWARTZ. Today marks an important milestone in our effort to ensure access to high quality health coverage for all Americans—the implementation of the Patients Bill of Rights. As of today, no child can be denied insurance coverage because of a preexisting condition. I introduced this bill, championed it throughout health care reform, and now it offers financial and emotional security for so many families.

And there is more. Young adults may remain on their parents' policy until age 26. Insurers may no longer drop coverage when someone gets sick. From now on, plans cannot set annual or lifetime limits on coverage. And new policies must include prevention and screening without copayments and consumer choice of their primary care physician.

Other important provisions of health care reform are already underway. Every State now has a high-risk insurance pool. Seniors get the help of a $250 check to help with the doughnut hole, the gap in prescription coverage, and thousands of businesses are receiving relief for providing health coverage to workers and retirees.

Access to meaningful coverage and these new consumer protections are improving the lives of Americans and mark a new era of high quality insurance for all Americans.

NASA

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

Mr. GRIFFITH. Mr. Speaker, over the last year, there has been a lively debate on the future of NASA's manned spaceflight program. The debate has largely focused on the role of commercial space and what direction the government programs should take. Those advising the Obama administration chose an approach with deep practical and technical flaws which has embarrassed the administration and brought resounding rebuke from my colleagues on both sides of the aisle.

To quote Scott Pace speaking at a recent event, ''The administration's radical course abandoned the most precious and rare commodities for the U.S. space community—a bipartisan consensus.''

This administration has directed NASA to ignore the spirit of last year's appropriations. Layoffs due to changes at NASA are taking place all over the country. These incredibly intelligent individuals represent a culture, not just a profession. They are literally rocket scientists, and they will disappear if we don't give them direction and firm funding.

For this reason, it is absolutely imperative that we pass a new NASA authorization bill, providing NASA and the Obama administration with firmer guidance.

DEMOCRATIC ACCOMPLISHMENTS

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

Mr. BACA. Mr. Speaker, when President Obama took office, he inherited a $1.2 trillion deficit, two wars, a recession, mounting job losses, and a disaster like Katrina that pushed our economy to the brink.

While the Republicans continue to push the same failed policies of the past, Democrats are fighting to help America recover from the Bush recession and move forward.

This Congress, our President, and the Democrats, have fought for middle class tax cuts, boosted small businesses with job creating investments, fought to protect Social Security, worked to create new jobs at home, fought to end the outsourcing of jobs overseas, and have given patients, not health insurance companies, control over their health care.

The choice is clear. Support the Party of No with no solution or the Democrats who will work with working families, the middle class, and will work to strengthen our economy.

Republicans threaten to take us back to the failed policies of the past. We must continue to move America forward.

AMERICAN HURRICANE ON THE POTOMAC

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

Mr. POE of Texas. Mr. Speaker, my district is in Hurricane Alley. Since I've been elected to Congress, we have had five hurricanes: Katrina, Rita, Humbert, Gustav, and Ike. Hurricane season is about over in southeast Texas, but hurricane season is coming late this year to Washington.

The weather report for Washington, D.C., is just in. Gale force winds are expected in November. There is a hurricane coming, and it's going to hit D.C., and it's not going to have just one name. It's going to have the names of millions of Americans. The voice of citizens will be here and clear the air. We the people proclaim, hold elites and taxacrats accountable who have stopped being responsive to the will of the people.

And just as hurricane force winds hit Washington in 1814 to drive the British out of town, this American hurricane will drive the irresponsible arrogant from having the rule over the people. The American hurricane is on a direct path to the Potomac. And because of the abusive spending, borrowing, and taxing by government, the elites will have sown the wind, and now they're going to reap the whirlwind.

And that's just the way it is.

□ 1020

REMEMBERING VICTIMS OF UKRAINIAN GENOCIDE

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

Mr. QUIGLEY. Mr. Speaker, I rise today to remember the victims of the Ukrainian genocide and the deliberate famine which claimed the lives of 10 million innocent Ukrainians.

Under Stalin's rule, Ukrainian farmers were stripped of their land, and by the end of 1933, nearly one quarter of the Ukraine's population had starved to death. This atrocity was intended to break the spirit of the Ukrainian people, but it did not succeed. The strong-willed people of Ukraine overcame this dark time and eventually emerged from Communist rule as a strong democratic nation. The people of Ukraine are a testament to what the human spirit can not only endure, but triumph over.

Ukraine has prospered in the 70 years since this atrocity, but as we move forward, we must never forget the past. Organizations like the Ukrainian National Museum in Chicago, and activists like Nicholas Mischenko, the president of the Ukrainian Genocide Famine Foundation, should be commended for their work to ensure the world never forgets this manmade tragedy.

SMALL BUSINESSES ARE JOB CREATORS

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

Ms. LEE of California. Mr. Speaker, small businesses are job creators. During this economic downturn, it is very important to support the engines of our economy which created two-thirds of the new jobs over the past 15 years.

As a former small business owner for 11 years, I personally know what it takes to create jobs. For the life of me, I can't understand why Republicans have opposed the eight tax cuts for small businesses and the $30 billion lending fund for small businesses and community banks that will create $300 billion in investments.

Republicans continue to deny small businesses the pro-growth initiatives that will help create jobs. Their true motives, to favor big business over small business, Wall Street over Main Street, and the wealthy over the middle class and the poor, have been exposed.

Democrats are working day and night to help America recover from the Republican recession. Republicans should really try to make up for shattering the lives of millions by at least supporting small businesses to help turn the economy around.

LINKED LEARNING

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

Ms. CHU. Mr. Speaker, today's high schools don't work for many young people. Students often feel bored and unchallenged. Almost one-third of the ninth-graders in my home State of California drop out without graduating.

That is why today I introduced The Linked Learning Pathways Affording College and Career Success Act. It combines college preparation with real-world learning opportunities for students across the country.

Like Ana Sical in San Diego. Ana once had problems with truancy, and says she never even considered college. But Ana's life changed with Linked Learning. There, she partnered with engineers who taught her their trades and pushed her to succeed. Today, Ana is studying at San Diego State's School of Engineering, the first in her family to attend college.

America's future depends on preparing today's students to enter tomorrow's workforce. My bill does that, and I encourage my colleagues to support it.

HELPING SMALL BUSINESSES

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

Ms. WATSON. Mr. Speaker, as Democrats work to help America recover from the Republican recession, one of our top priorities is to create jobs and restore responsible fiscal policies that support the middle class. A key part of this pro-growth agenda is helping small business. Small businesses are the engine of our economy, creating two-thirds of the new jobs over the past 15 years. The role of small businesses is especially important as we strive to create jobs and move the economy forward. With the right resources and the right opportunities, small businesses can respond quickly with growth opportunity.

To continue to support small business and to further promote job growth, Democrats in the House passed the Small Business Jobs and Credit Act. The $30 billion lending fund for local businesses and community banks will help break the credit squeeze by leveraging $300 billion in investment funds that will allow them to grow and to add workers.

HONORING DEREK FARLEY

(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 with the very sad duty of reporting the tragic passing of Army Staff Sergeant Derek Farley. Farley was killed in action Tuesday, August 17, in Afghanistan while disarming a roadside bomb. Farley was a member of the 702nd Ordnance Maintenance Company. His job as a bomb disposal technician was to diffuse bombs and IEDs to keep other soldiers and civilians safe.

He graduated from Columbia High School in East Greenbush in 2004 and made up his mind to join the military at the age of 17, continuing his family's tradition of service to our Nation. His father served in the Vietnam era.

In a previous tour in Iraq, where he served from 2006 to 2007 with the 756th EOD Company, Farley received a Purple Heart after losing his hearing in one ear during a bomb detonation.

In a letter to his mother, Derek said the following: ''If something were to happen to me, just remember that I do the most dangerous job because it has the most rewarding payoff. . . . There would be no greater honor for me if it comes to it, but I keep fighting because there are thousands of mothers out there just like you who want to see their sons and daughters again.''

My heart goes out to Derek's parents, Ken and Carrie; his brother, Dylan; sisters, Colleen, Theresa and Julie; and his beloved Maria.

On behalf of a grateful Nation, our thoughts and prayers are with the entire Farley family during this difficult time.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5297, SMALL BUSINESS JOBS ACT OF 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1640

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table 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, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Financial Services or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Financial Services, the chair and ranking minority member of the Committee on Small Business, and the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of October 1, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of October 1, 2010.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1640 provides for consideration of the Senate amendment to H.R. 5297, the Small Business Jobs and Credit Act of 2010. The rule makes in order a motion by the chair of the Committee on Financial Services to concur in the Senate amendment. The rule waives all points of order against consideration of the motion and provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion controlled by the Committees on Financial Services, Small Business, and Ways and Means.

The rule also allows the Speaker to entertain motions to suspend the rules through the legislative day of October 1, 2010. Finally, the rule waives clause 6(a) of rule XIII which would allow for same day consideration through Friday, October 1, of any measure reported from the Committee on Rules.

Mr. Speaker, today the House considers a tremendously important piece of legislation that provides long-overdue assistance to the millions of small businesses in our country. The Small Business Jobs and Credit Act of 2010 grants immediate tax relief to small business owners, increases access to much-needed capital, and enhances the ability of small businesses to export goods overseas.

□ 1030

Today, the House delivers on a promise it made to small businesses. With the passage of this bill, small businesses, the backbone of our economy, will be given the tools and relief they need to expand their companies, to create more jobs and to help this Nation recover from the worst economic recession in decades.

Mr. Speaker, this bill provides more than just assistance for short-term economic recovery, which it accomplishes by increasing the amount of money that banks can lend to small businesses, by eliminating certain Small Business Administration loan fees, and by giving States the increased flexibility to manage their own small business lending programs.

This bill is also a blueprint for new and long-term job creation. We have heard the pleas from entrepreneurs and small business owners in our districts, and we closed the legal loopholes which gave multinational corporations an advantage in securing government contracts over HUBZone, 8(a), service-disabled veterans, and women-owned businesses. Everyone is now on a level playing field when it comes to competing for Federal contracts.

Perhaps the most important provision in this bill is the increased access to credit. As a small business owner myself, I know how difficult it is to make ends meet. When I first started my business, long before the credit crunch hit, fortunately I was able to work with a small community bank that was in a position to give me access to capital that was critical to getting my company up and running.

Today, not all small businesses are so fortunate. No one was harmed more in the credit market collapse than small businesses. Throughout my home State of Maine, the stories I hear each week are the same:

''They say the economy is getting better, but I still can't get the capital I need to make payroll or rehire those employees I was forced to lay off, much less think about expanding.''

This bill changes that by providing real relief at the same time small businesses need it the most.

The benefits are not theoretical. This isn't wishful thinking. We know that increasing the 7(a) loan limits from $2 million to $5 million, that increasing the 504 loan limits from $1.5 million to $5.5 million and that increasing the 7(a) Express Loan limits from $300,000 to $1 million will produce growth and jobs in communities all over our country.

In July, the owner of Mount Desert Island Ice Cream, a small business in Bar Harbor, Maine, wrote to me to share her incredible success story. Despite the turbulent economy, she expanded her business and created 10 new jobs this summer because of a Recovery Act ARC loan.

She explained if it weren't for the access to new capital, she wouldn't have been able to expand from two stores to three. She was able to use the Federal loan to manage the debt burden on her existing store locations, which freed up her cash flow, letting her expand.

The results were a mini-economic boom in Portland. Mount Desert hired a staff of 10. It employed contractors and suppliers to retrofit the new store, and it buys more and more ingredients from local Maine producers, all because she had access to government-backed loans.

I will say it obviously didn't hurt, Mr. Speaker, that business is also booming because her store sells really, really good ice cream. I think President Obama even got to enjoy a scoop or two when he went to Maine this summer.

You know, I held a workshop in my district at the height of the recession in June of 2009, before the Recovery Act loans were available; and I invited small business owners from across Maine to attend. The response, frankly, was overwhelming. Hundreds of small, struggling businesses came because they had nowhere else to turn. They needed help to stay afloat and to meet their payrolls. They were adamant that loan limits were insufficient and that lending had dried up.

In Maine, fishermen who run small businesses need capital for boat repairs—to replace gears and engines. Some of our fishermen are having a particularly difficult time gaining access to funds because they are already heavily in debt for their boats and permits, making it difficult for lenders to assess their levels of risk and exposure. Worse, fishermen who want to purchase and increase processing capacity to boost prices for the catches they receive face enormous difficulties in purchasing the facilities they need to process multiple species at once.

One Maine fisherman explains it to me this way: ''The main problem is that, when most of us took out loans for our businesses, it was some time ago, and we could operate like a normal business. Now the struggle is getting even harder. Banks that I have dealt with do not seem to realize or care that things are different, and they still have fairly rigid rules that are based in the past about financing these operations. They pretty much laugh us out of the room now when they see the income from the last few years, mostly due to a lack of price for the fish we catch. We need some kind of low-interest loan program with very affordable payments if we are to keep the fleet in Maine until rebuilding occurs.''

The loan guarantees included in this bill will make it more attractive for local lenders with the experience and know-how to provide access to the financing to our Nation's small business owners, and the reduced fees will make it more affordable for small businesses to grow, expand, and create jobs. This is why those at SBA support this bill, because they are able to work closely with lending institutions to assist our small businesses.

Mr. Speaker, the recovery is under way, but we are certainly not out of the woods yet. Unemployment in my home State of Maine is about 8 percent. That means almost 56,000 Mainers are out of a job. Passing the Small Business Jobs and Credit Act will provide much needed help. If the number of Maine small businesses with fewer than five employees added just one employee, then we could cut unemployment in half in our State. If every small business in Maine hired one more person because of the benefits in this bill, then we would certainly be on the road to recovery.

This bill will also stimulate long-term job growth, once the economy is back on track, by implementing provisions that small businesses have long sought:

There are numerous tax benefits that will entice rather than discourage our budding entrepreneurs from starting their own businesses;

This bill will allow a taxpayer to deduct up to $10,000 in trade or business start-up expenses, an amount currently capped at $5,000. Allowing owners to keep more money and to reinvest it in their companies at the outset, as they work to grow and expand their businesses, is critical;

This bill also allows owners to write off up to $500,000 in capital expenditures in 2010 and 2011, subject to a phase-out when they exceed $2 million. It also eliminates all capital gains taxes on certain small business investments for the 2010 tax year. For owners who have held off on hiring or making significant investments in their businesses, these tax provisions will allow them to act this year or next instead of continuing to wait;

When it comes to competing for Federal Government contracts, we level the playing field for small businesses by closing loopholes that previously gave large companies a built-in advantage in seeking those contracts;

We require a regular review of size standards to make sure that small businesses that are fortunate enough to expand don't retain an advantage over their smaller competitors in competition for small-business-only contracts;

We treat those in the aquaculture industry on par with other small businesses, and we make those companies eligible to receive SBA economic injury disaster loans.

Could this bill be better? Of course it could, but small businesses demand our help now. They can't wait, and we have an obligation to act swiftly to pass this bill today to make good on our promise to reward innovation, to loosen outdated limits on lending, and to encourage entrepreneurs to go to the SBA for help in starting and building their own businesses.

I look forward to the passage of this critical bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE), for the time; and I yield myself such time as I may consume.

Today, the majority, Mr. Speaker, brings forth another closed rule, denying the minority the right to offer amendments to what many colleagues contend is a flawed product from the Senate.

At the Rules Committee meeting yesterday, I was struck by a quote, a statement, made by the distinguished chairman of the Financial Services Committee:

This is $30 billion. It's not $300 billion. It's not $3 trillion.

That is precisely the problem with the majority party. They have already spent all the money available. Once you pass an almost $1 trillion stimulus package that does not stimulate economic growth, the distinguished chairman of the Financial Services Committee is correct that $30 billion doesn't seem like such a big deal, but it is for the overburdened people of the United States of America.

The underlying legislation establishes a $30 billion fund managed by the Treasury Department in an effort to increase lending from small banks to small businesses. The majority claims that this fund will move quickly to inject capital into the marketplace.

□ 1040

What we have today before us is junior TARP, Mr. Speaker. It's kind of a rehash of the 700-or-so-billion-dollar fund that was also supposed to make credit available for businesses. I was proud to oppose TARP then, and I am proud to oppose junior TARP today.

We on the minority side, the Republicans, believe that lowering taxes on small businesses would do far more to help create jobs and lead us out of this recession. One hundred days from today, the 2001 and 2003 tax cuts will expire and every American taxpayer will see tax increases at exactly the wrong time. Instead of taking clear, concrete action to reduce the tax burden on small businesses, the majority brings us junior TARP today.

There is a hidden provision, by the way, in this bill, Mr. Speaker, that makes even worse the antibusiness provisions in the health care legislation that this Congress passed previously. Pursuant to the health care law, small businesses are required to file a form 1099 with the IRS for every business and every individual to which they make payments of at least $600. That is a significant burden on all businesses, especially on small businesses. It's important to note that even the administration has recently backed changes to that provision in their health care law. So Americans might expect legislation to come before us to assist small businesses to get out from under that onerous provision, but the underlying legislation goes completely in the wrong direction, in the other direction.

This Congress can do better. But the Rules Committee will not allow any Member to offer any amendments under this closed rule to improve this legislation. We should defeat this rule and allow the House to proceed through regular order and allow Members to bring forth any and all ideas to provide meaningful help for our struggling small businesses.

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

Ms. PINGREE of Maine. Mr. Speaker, I appreciate the comments my colleague from the other side of the aisle made about the 1099 issue and the impact with the health care bill. I do want to remember that only recently we had that bill on the floor. The people on my side of the aisle actually voted to repeal that provision and the people on the other side of the aisle opposed that. So we have had an opportunity to fix that, and I'm not clear about why the other side of the aisle wasn't with us on that, and I'm a little confused that he is bringing it up this morning.

I yield 3 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from Maine for yielding me the time.

Mr. Speaker, I rise in support of this rule, and I also rise in support of the underlying legislation.

Small businesses are drivers of economic growth and play a pivotal role in creating jobs in our community. In fact, in my home State of Massachusetts, small businesses represent 85 percent of companies and employ over a quarter of our workforce. As I meet with small business leaders across my district, I hear time and time again that access to capital—dollars that allow our small businesses to invest

and to grow—is a main concern, especially in these difficult economic times.

It is clear to me that small businesses are a vital component of economic recovery. As we work to rebuild our economy and create good-paying jobs here at home, we must support the efforts of small businesses across the country. That is why, Mr. Speaker, we must act today to pass this legislation.

H.R. 5297 goes a long way in helping our Nation's small businesses thrive. Specifically, this bill authorizes the creation of a small business lending fund which will enable community banks to increase lending to small businesses. It raises Small Business Administration loan limits, and it improves access to these loans. It provides grants to States in support of small business lending programs.

In addition to creating future opportunities for investment, this bill provides small businesses across our country with $12 billion in tax cuts and includes a 100 percent exclusion from capital gains taxes on small business investments. These tax breaks will make it easier for businesses to operate and will increase their capacity to grow.

As we invest in our small businesses, we forge a path toward economic prosperity for so many Americans—not only for small business owners, but for those who will be employed by these companies. Improving small business access to capital will foster innovation and encourage the development of new products and services to carry our country forward.

Simply put, Mr. Speaker, we have to act now. It's the right thing to do. All of my colleagues who have gone home and talked to their constituents, and particularly to small business owners, know that this issue of extending credit is a big deal. They want us to help, and that's what this bill is about.

So I urge my colleagues on both sides of the aisle to think about the small businesses that we represent and to support this rule and the underlying legislation. And I urge my colleagues on the other side of the aisle to put people ahead of politics this time and help our small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again I thank my friend from Maine for her courtesy and her management of this rule.

I will be asking for a ''no'' vote on the previous question so that we can amend the rule and allow a vote on the legislation introduced by Congresswoman LUMMIS.

In this debate, when the underlying legislation is adding another $30 billion to our Nation's debt, I think it's fitting that the minority is bringing forward another YouCut proposal.

The American people are sounding the alarm that we have to change course. We have to focus on reducing the size of government, not create new programs that dig our fiscal hole deeper and deeper. That is going to require bipartisanship, which I hope to see soon, but we're not seeing it yet. And really, that's worrisome.

Over the last week, participants in the minority whip's YouCut initiative voted on programs for us to bring to this floor for cutting. To date, participants in that program have voted to cut over $120 billion in spending. This week, the participants in that program voted to cut Federal staffing levels to 2008. The legislation that we would be able to vote on if the previous question is defeated would exempt agencies that are critical to national security. It's no coincidence that while the administration and this Congress increase Federal spending by trillions of dollars, we see Washington, D.C. thrive, but the people in the congressional district that I've been honored to represent for 18 years continue to hurt as Americans throughout the Nation are hurting. We believe that we have to return the function of job creation to the private sector.

So I will be asking Members to vote ''no'' on the previous question so that we can have a vote on Congresswoman LUMMIS's bill on cutting Federal staffing. And again, I remind Members that a ''no'' vote on the previous question will not preclude consideration of the underlying legislation before us today.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I disagree with my good friends on the other side of the aisle. I believe this is a day long in coming and I am grateful for it, because what all of us have said is that the small businesses of America are the backbone of America, the job creators of America, and now we have an opportunity for the President to sign this bill that incorporates tax cuts and job creation.

□ 1050

What has been the message of the American people? What have they told us? They've indicated that they want to have jobs. Right off, this bill provides extra opportunities in the small business trade opportunities, and it helps to leverage more than $1 billion in export capacity for small businesses, getting their products overseas in what we call the State Export Promotion Grant Program, which excites me, which allows us to help save 40,000 to 50,000 jobs in 2010.

And so we give them a step up to get their goods overseas. And we've got some talented small businesses who simply ask us, How do we promote our product overseas? After this bill is signed by the President, they will have a helping hand.

For a startup business in 2010, we double the deduction for a startup from $5,000 to $10,000. One of the great complaints of small businesses is how do we do business with this massive Federal Government? Well, I will tell you. We're now going to increase the percentage of small businesses doing business with the Federal Government and create the opportunity for more of them to get contracts and more jobs to be created.

I'm grateful that this is a tax cutter as well, with a 100 percent exclusion of capital gains, and of course the opportunity to expand in lending by increasing the capacity of the Small Business Administration to provide access to credit.

Loan limits have been increased, and I'm grateful that this bill is going to be passed today and small businesses will be helped.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 4 minutes to the author of the legislation that we would be able to consider if the previous question is defeated, the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, I rise to urge my colleagues to support my proposal to halt the unchecked growth of the Federal Government.

In selling the $1.1 trillion stimulus package to the American people, the President promised that it would keep unemployment under 8 percent. The results of this expensive experiment are in. It failed. We have lost millions of private-sector jobs, and unemployment is hovering just under 10 percent. But the Federal workforce, fueled by the stimulus and other massive spending bills, has grown by 188,000 employees—or 15 percent—and it's only going to get worse. The Obama administration is on track to hire 230,000 new employees by next year.

As we approach the full implementation of ObamaCare in 2014, our government will have to staff a vast new health care bureaucracy. This could include thousands of new IRS employees to enforce the health care mandate on individuals and businesses.

My bill, the Federal Workforce Reduction Act, would halt the sprawl of government and get us back to pre-Obama government employment levels. My bill would not force any civil servant out of their job, and it would exempt the Departments of Defense, Homeland Security, and Veterans Affairs. But all other agencies could only hire one new civilian employee for every two that retire or otherwise end their service.

Our President and his agency heads would have to control their appetite for government expansion. They would make due with fewer resources—just like the individuals, families, and small business owners who have had to make sacrifices and cut back to deal with the recession.

By attrition the government would shrink back to pre-Obama levels and save taxpayers $35 billion over 10 years. But most importantly, my bill would help reverse a dangerous trend in which the private sector shrinks and the government sector expands. Growing the government does nothing to help our small businesses—the engines of job creation.

Taxing to give people less money and the government more money to expand does not help the economy. Yet the Big Government chameleon—debt-financed stimulus, cap and tax, ObamaCare, tax increases coming this January—continues to roam the halls of Congress, threatening to choke off the entrepreneurial spirit that built this country.

Important decisions that should be made by individuals, families, their doctors, or our small businesses are being relocated to Washington to be made by unresponsive bureaucrats. The policies of the Democratic leadership are fostering a culture of dependency on Big Government. They are marching us towards European-style social democracy.

But there is another way. Vote for this provision, cut spending and government employment back to pre-stimulus levels. Stop the big march of government.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the rule and the underlying bill, and I want to thank the gentlelady from Maine for yielding time.

All of us know that small businesses have been the backbone of the American economy. All of us know businesses that started as single individuals, single family, using their creativity, developing opportunities for not only themselves but for others.

The basic thing that small businesses need right now is access to capital, lines of credit, the opportunity to grow and expand. This bill provides exactly that. And I know that there are thousands of small businesses in my State and in my community simply waiting so that they can go to a bank and get the line of credit that they need, get the small business loan that they must have.

It's a good bill, a strong bill. I urge its passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, I support this week's Republican YouCut amendment that would be prohibited by this rule. The amendment would reduce the Federal workforce to its pre-Obama level by phasing out 188,000 new Obama bureaucrats who have already been added to the public's burden. This spending isn't stimulating the economy—it is stimulating the government at the expense of the economy.

Before government can create a job by spending money, it must first take that money out of the economy, destroying the productive jobs that create wealth and replacing them with government jobs that merely consume it.

In 1946, Harry Truman slashed Federal spending from $85 billion down to $30 billion. He fired 10 million Federal employees. It was called War Demobilization. The Keynesians at the time predicted catastrophic unemployment. Instead, he produced the post-war economic boom that produced unprecedented prosperity for middle- and working-class Americans.

We know how to revive an economy because we've done it before—by reducing the burdens that government has placed on productivity. All we lack is the political will. Maybe the American people can help with that in a few weeks.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in strong support of this rule and the underlying bill, the Small Business Jobs and Credit Act.

You know, my good friend the gentleman from Illinois was exactly right. The district I represent in western Wisconsin, the small businesses and the family farmers really are the backbone of our regional economy.

What this legislation does is continue a lot of the tax relief that was contained in the American Recovery Act in an attempt to help these small businesses and family farmers to stay sufficiently capitalized during this very tough and difficult economy.

This bill will continue the 100 percent exclusion of small business capital gains. It has immediate expensing, accelerated depreciation, a net operating loss carryback. So if you're a business experiencing a loss this year, you can offset that immediately with the previous year profits to help them with their liquidity and keep them capitalized.

□ 1100

But it also deals with, I think, one of the detriments to further job growth for these small businesses, and that's the tight credit market. That's why the extension of the SBA 7(a) and 504 loan program is incredibly important to helping these small businesses get the lines of credit and the operating loans that they need to continue operating and to hire people.

And it creates a new Small Business Lending Fund. If there was one criticism many of us had with the TARP intervention, it was that that intervention did not come back to Main Street to help small businesses. This legislation addresses that through a voluntary program with local lenders who chooses to participate, where they can reduce the interest rate that's charged to them depending on the number of small business loans that they get out the door. We need to support this bill and support small businesses. The Chamber of Commerce endorses this bill. I ask my colleagues to support this important legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Two years ago, I arrived here from the real world, and that's the world of business and the economy, and got to the Washington world. My experience before here was as a small business owner and a mayor. And we had to balance our budget. And what we did was we found out that our budget was awry, and much of it because of the size of government. We had let it grow too much.

So what we did in our local government was we shrunk the size of government. And guess what happened to our revenue without raising taxes? It went up. And that's why I am rising in support of this YouCut proposal. It makes absolute sense. And I have heard this from both Democrats, Republicans, and independents. And I ask my colleagues across the aisle to support this.

It makes sense not to add 188,000 more people to the government workforce when the economy is not doing well. Example: if a business out there that I ran had decreasing revenues, we didn't hire more personnel at that point. We hunkered down, we made do with what we had; and I think this is a very reasonable thing to do. It exempts three important Departments that secure and protect us: that's the Department of Defense, Homeland Security, and Veterans Affairs, and gives the administration the ability to place those employees where they think they're important.

Why are businesses not hiring? It's very simple. I spoke to several business leaders yesterday on the telephone. They are hunkered down and not hiring because expenses and taxes are going up. They are overregulated, access to capital has decreased, and they can't lend money. I talked to bankers yesterday that cannot get the money out the door for qualified borrowers because of overregulation of the FDIC.

I would ask my colleagues to support this commonsense $35 billion reduction in Federal spending. In the time of a recession, it makes sense. I urge you to vote for this.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Ways and Means Committee.

Mr. PASCRELL. Mr. Speaker, I support the rule. It's taken far too long to overcome the obstruction to this bill. This obstruction has impeded $30 billion in credit for small businesses. The credit squeeze has been one of the largest obstacles they are facing today, small businesses. We have been told time after time after time that without

access to credit, small businesses cannot grow.

I am pleased that we continue to focus on job creation through the engine of our economy. Small businesses have generated 64 percent of new jobs over the last 15 years. But we must do more. We must address the elephant in the room. And here's the elephant in the room: we must address the expiration of the middle class tax cuts, which alone will help 98 percent of all Americans and 97 percent of small business. Small businesses have been struggling for decades, not just the last few years, because they have been the victim of previous administrations' and past Congresses' priorities that placed Wall Street and big banks over Main Street small businesses and their community banks.

And here's the rub, and you can't deny it: these priorities have led to a 20 percent decline in small business market shares. And they have lost that to corporate welfare. Look at the record before the recession. Twenty percent more of market loss. That did not fall out of the sky. And I blame both parties. Neither party is privileged to virtue here. No one has a monopoly on this. This Congress recognized the problem.

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

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. This Congress has done more for small businesses than others in years. Billions in tax cuts. We funded the SBA, payroll tax holidays, incentives for capital investments, depreciation, on and on. Nine specific tax cuts. Tax and spend? No, we wanted to cut taxes. You didn't give us one vote on any of these. You are standing up and preaching to us that what we have to do is change our culture? Nine tax cuts from this Congress. It's time to continue to do more by moving forward on the middle class tax cuts. I proudly support this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to my friend, the great leader from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, at the same time that job providers and workers across this great Nation have sacrificed in this very difficult economy, the Federal Government has exploded in growth. And the cost of this growth in Federal employment has been passed along to those very same hard-pressed taxpayers and job providers through higher taxes as well as increasing our national debt.

This week's YouCut proposal calls for overall Federal employment to be reduced to 2008 levels. And this is for civilians only. It does not include military or Homeland Security or Veterans Affairs. This very simple step would save taxpayers $35 billion over 10 years.

Mr. Speaker, each and every week House Republicans have asked the American people through the YouCut program to bring to the floor literally tens of billions of dollars of spending cuts. And today we stand up here yet again asking our colleagues across the aisle to join with us to answer America's call to put an end to out-of-control Federal spending.

Today's cut will end the influx of more civilian government workers on the taxpayers' dime, and it will reduce the expansion of Big Government. And that, Mr. Speaker, is what the American people are asking for.

However, while the Democratic leadership continues to pile more debt, more and more debt on our children and on our grandchildren, Republicans, however, have been very specific by bringing specific spending cuts to the House floor in an effort to restore fiscal sanity. Unfortunately, our Democratic colleagues have absolutely refused to join us in this effort. And we ask our colleagues once again to join us to reduce this out-of-control Federal deficit and cut Federal spending now.

Mr. Speaker, House Republicans have been listening to the American citizens, and I ask my Democratic colleagues to do the same.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the Ways and Means Committee.

Mr. ETHERIDGE. I thank the gentlelady for yielding.

Mr. Speaker, I rise in strong support of this rule and the Small Business Jobs and Credit bill. As a former small businessman, I know that small businesses are the engine of our economy. Credit is the lifeblood of these businesses. By expanding credit and providing small businesses tax cuts, this bill will help get credit flowing so small businesses can grow, hire workers, and fuel our economy.

As I travel across the Second District of North Carolina talking to business owners and workers, I hear that while the economy may be improving for some, many of these folks on Main Street are still struggling. This bill is what they need to get going again.

I urge my colleagues on both sides of the aisle to join me in voting to send this bill to the President of the United States for his signature to put it into law, help our small businesses create jobs and grow our economy.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

□ 1110

Ms. BERKLEY. I thank the gentlewoman for yielding to me.

This is a very important piece of legislation for the people that I represent. Nevada is in a world of hurt. I've got the highest unemployment rate in the country and the highest mortgage foreclosure rate in the country. Small businesses are either folding or they don't have the revenue in order to continue, and certainly new businesses have entrepreneurs that wish to start new businesses but don't have the wherewithal.

This piece of legislation provides critical funding to the SBA to ensure that people who want to start a small business have access to capital that will get their businesses up and running, creating jobs and bolstering the economy. It creates a $30 billion lending facility for small businesses and will create the credit available to small businesses and ensure that they can access resources necessary to create and to build on what they already have and particularly to hire.

The provisions in this legislation can make all the difference in the world to the community that I represent and to its people. We need to get people back to work. This small business funding bill will do exactly that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend from Maine and all who have participated in this debate. I again seek a ''no'' vote, and I seek a ''no'' vote on the previous question.

I yield back the balance of my time.

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

The Small Business Jobs and Credit Act of 2010 gives immediate relief to struggling small businesses across the country. It combines more than $12 billion in tax relief with increased access to critical financing so that our Nation's small businesses can move forward on new or delayed expansion plans.

Small business growth means job creation. Our economy will only continue to improve as our businesses bring back laid off employees and hire new workers. One of my constituents, the owner of the popular Allagash Brewing Company in Portland, Maine, describes the increase in the expense allowance under section 179 as a ''great idea''—something that will enable him to invest in his brewery and expand his brewery, which means hiring more employees.

Allagash Brewery is the perfect example of who will benefit from this legislation, Mr. Speaker. Fifteen years ago it began with a few employees working together in a 4,000-square-foot building financed by SBA loans, which were used to purchase the tanks and the equipment necessary to brew some exceptional beer. They did most of their own welding and manufacturing, and they produced 120 barrels of beer that first year.

This year they employ 28 people in a brand new facility and are on track to produce more than 22,000 barrels of beer each year, and they are still growing. With the increase in the section 179 expensing allowance, Allagash can invest in new equipment, expand operations to meet its tremendous demand, and hire several new employees. If not for this bill, expansion plans may have

been put on hold and no new jobs would have been created.

Mr. Speaker, this is a very good bill that should be supported by every Member of this House. It ensures that small businesses, not big corporations, have the tools they need to expand and grow, and it ensures that regular Americans on Main Street take part in the economic recovery.

The Small Business Jobs and Credit Act of 2010 spurs short-term economic recovery while paving the way for long-term business growth once the economy is back on track.

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

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1640 OFFERED BY MR. DIAZ-BALART OF FLORIDA

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. 5348) to amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, 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. 5348.

(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.

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendments bills of the House of the following titles:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The message also announced that pursuant to section 214 of title II, Public Law 107–252, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Election Assistance Board of Advisors:

Dr. Barbara Simons, of California.

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.

IMPROVING ACCESS TO CLINICAL TRIALS ACT OF 2009

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1674) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1674

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 ''Improving Access to Clinical Trials Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Advances in medicine depend on clinical trial research conducted at public and private research institutions across the United States.

(2) The challenges associated with enrolling participants in clinical research studies are especially difficult for studies that evaluate treatments for rare diseases and conditions (defined by the Orphan Drug Act as a disease or condition affecting fewer than 200,000 Americans), where the available number of willing and able research participants may be very small.

(3) In accordance with ethical standards established by the National Institutes of Health, sponsors of clinical research may provide payments to trial participants for out-of-pocket costs associated with trial enrollment and for the time and commitment demanded by those who participate in a study. When offering compensation, clinical trial sponsors are required to provide such payments to all participants.

(4) The offer of payment for research participation may pose a barrier to trial enrollment when such payments threaten the eligibility of clinical trial participants for Supplemental Security Income and Medicaid benefits.

(5) With a small number of potential trial participants and the possible loss of Supplemental Security Income and Medicaid benefits for many who wish to participate, clinical trial research for rare diseases and conditions becomes exceptionally difficult and may hinder research on new treatments and potential cures for these rare diseases and conditions.

SEC. 3. EXCLUSION FOR COMPENSATION FOR PARTICIPATION IN CLINICAL TRIALS FOR RARE DISEASES OR CONDITIONS.

(a) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(3) by adding at the end the following:

''(26) the first $2,000 received during a calendar year by such individual (or such spouse) as compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition (as defined in section 5(b)(2) of the Orphan Drug Act), but only if the clinical trial—

''(A) has been reviewed and approved by an institutional review board that is established—

''(i) to protect the rights and welfare of human subjects participating in scientific research; and

''(ii) in accord with the requirements under part 46 of title 45, Code of Federal Regulations; and

''(B) meets the standards for protection of human subjects as provided under part 46 of title 45, Code of Federal Regulations.''.

(b) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; and''; and

(3) by inserting after paragraph (16) the following:

''(17) any amount received by such individual (or such spouse) which is excluded from income under section 1612(b)(26) (relating to compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition).''.

(c) MEDICAID EXCLUSION.—

(1) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), is amended by adding at the end the following:

''(14) EXCLUSION OF COMPENSATION FOR PARTICIPATION IN A CLINICAL TRIAL FOR TESTING OF TREATMENTS FOR A RARE DISEASE OR CONDITION.—The first $2,000 received by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial meeting the requirements of section 1612(b)(26) shall be disregarded for purposes of determining the income eligibility of such individual for medical assistance under the State plan or any waiver of such plan.''.

(2) CONFORMING AMENDMENT.—Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)) is amended by inserting ''(e)(14),'' before ''(1)(3)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is the earlier of—

(1) the effective date of final regulations promulgated by the Commissioner of Social Security to carry out this section and such amendments; or

(2) 180 days after the date of enactment of this Act.

(e) SUNSET PROVISION.—This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

SEC. 4. STUDY AND REPORT.

(a) STUDY.—Not later than 36 months after the effective date of this Act, the Comptroller General of the United States shall conduct a study to evaluate the impact of this Act on enrollment of individuals who receive Supplemental Security Income benefits under title XVI of the Social Security Act (referred to in this section as ''SSI beneficiaries'') in clinical trials for rare diseases or conditions. Such study shall include an analysis of the following:

(1) The percentage of enrollees in clinical trials for rare diseases or conditions who were SSI beneficiaries during the 3-year period prior to the effective date of this Act as compared to such percentage during the 3-year period after the effective date of this Act.

(2) The range and average amount of compensation provided to SSI beneficiaries who participated in clinical trials for rare diseases or conditions.

(3) The overall ability of SSI beneficiaries to participate in clinical trials.

(4) Any additional related matters that the Comptroller General determines appropriate.

(b) REPORT.—Not later than 12 months after completion of the study conducted under subsection (a), the Comptroller General shall submit to Congress a report containing the results of such study, together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

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

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1674.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, many individuals who suffer from rare diseases or conditions currently face obstacles to participating in clinical research trials that may extend or improve their quality of life.

The Improving Access to Clinical Trials Act, which passed the Senate on August 5, 2010, by unanimous consent, would eliminate these barriers. This legislation would prohibit disabled beneficiaries who receive assistance from the Supplemental Security Income, or SSI program, from participating in clinical trials.

It is standard practice to reimburse clinical trial participants, not only for direct expenses associated with participation in such trials but also to reimburse them for time committed for their participation.

Moreover, it is the policy of research institutions to treat all clinical trial enrollees in a consistent manner. As a result, if compensation for expenses and time is paid to one trial enrollee, it must be paid to all. The current program rules under the SSI program regarding compensation or reimbursement from clinical trials has inadvertently created an obstacle for enrollment in such trials that can lead to life-saving therapies.

For example, approximately half of all adults with cystic fibrosis are SSI recipients. If one of these recipients were to participate in a clinical trial and received reimbursement for their commitment, that compensation would lead the Social Security Administration to redetermine whether the individual continues to meet the income and asset tests used to determine eligibility for the SSI program.

□ 1120

Thus even a modest reimbursement for clinical trial participation may prevent the majority of individuals from enrolling in trials because, under the SSI income and asset limits, it could potentially trigger a loss of their SSI benefit. As a result of this risk, very few SSI recipients who suffer from cystic fibrosis participate in clinical trials.

Given the large number of recipients with cystic fibrosis, this may have the undesired effect of slowing the pace of cystic fibrosis clinical research for all Americans, including the approval process for promising therapies that are already in the pipeline or waiting to be tested. The development of new treatments for rare diseases would benefit not only those who suffer from such conditions but the Nation as well.

SSI rules should not force recipients to choose between their current income support and health coverage and their long-term ability to manage and potentially overcome the disease that has disabled them.

In May of 2008, a number of my Democratic and Republican colleagues from the Ways and Means Committee joined me in sending a letter to the Commissioner of the Social Security Administration. We urged him to consider practical steps to allow SSI recipients to maintain their eligibility for the SSI and Medicaid benefits while participating in potentially lifesaving clinical trials. The Commissioner informed us that such a solution would require a legislative change in the law.

The legislation before us today is very similar to the bipartisan legislation that was introduced in the House by Representatives ED MARKEY and CLIFF STEARNS in June of 2009. The bill excludes the first $2,000 received as compensation or reimbursement in a clinical trial from the income and asset eligibility limits in the SSI program. It also would exclude the first $2,000 in compensation from the income tests in Medicaid.

Additionally, the legislation would require the Government Accountability Office to conduct an evaluation of the impact of this bill on enrollment of SSI recipients who participate in clinical trials. The CBO has determined that this provision, which is scheduled to sunset in 5 years following enactment, has little to no cost. Eliminating the obstacles faced by SSI recipients who suffer from a rare condition could lead to potentially lifesaving treatments or therapies that can improve the quality of life for those who suffer from these diseases.

Permitting the SSI recipients to participate in clinical research trials is the right thing to do.

I reserve the balance of my time.

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

I rise in support of the Improving Access to Clinical Trials Act before us today.

Mr. Speaker, I was an original cosponsor of the House version of this bill introduced in June 2009. To date, there are 141 Members from both sides of the aisle who have cosponsored that House bill. The Senate version passed unanimously last month, and I urge all Members to support this needed legislation.

This bill would allow Americans with serious diseases to retain the benefits they need while they help find treatments and cures for themselves and others with similar afflictions.

In the field of medicine, clinical trials are an important tool to find new and more effective treatments for incapacitating and often deadly diseases. Under current NIH standards, sponsors of clinical research may provide modest payments to trial participants for their out-of-pocket costs and time spent participating in the trial. Such payments average about $500 per participant. That compensation must be provided to all participants if it is offered to any to ensure financial concerns don't affect the outcome of such trials. That means individuals cannot opt to not be paid for their participation in clinical trials.

Yet, under current law, such payments also must be counted as income in determining an individual's eligibility for SSI disability payments and Medicaid coverage, if they receive those benefits. That means that participating in a clinical trial could reduce or even eliminate those important benefits for some individuals. That forces individuals to choose between maintaining their current health and disability benefits and the chance to participate in a clinical trial that could improve or even cure their condition, as well as help others like them in the future. And when a large share of people with rare diseases like cystic fibrosis are receiving SSI benefits, this policy may actually prevent trials from going forward altogether, since it restricts the already small number of people able to participate in the trial in the first place.

So this bill makes a simple correction. Over the next 5 years, it directs the SSI and Medicaid programs to ignore modest compensation that program beneficiaries might receive for participation in clinical trials when determining program eligibility. This is consistent with current SSI program exemptions, as well as common sense. Importantly, given the small number of people affected and the program red tape this would actually prevent, the Congressional Budget Office estimates that this bill will result in no net costs to the Federal Government. And the legislation directs the Government Accountability Office to study this issue to ensure the bill is having its intended effects of assisting people with diseases and improving participation in clinical trials while holding the Federal program costs down.

Mr. Speaker, this is a reasonable approach that merits our support.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the gentleman from Washington State so much, and I thank my friend from Florida (Mr. STEARNS), my cosponsor of this legislation and my cochair of the Congressional Cystic Fibrosis Caucus, for his incredible work in helping to bring this moment into being.

The Improving Access to Clinical Trials Act will enable more individuals with rare diseases to participate in clinical trials offering hope for cures to devastating diseases like cystic fibrosis. This bill is urgently needed.

Current eligibility requirements for Medicaid and Supplemental Security Income shut out many disabled and low-income Americans from participation in potentially lifesaving clinical trials. That is because, in accordance with current ethical standards, many clinical trials offer modest compensation for patient participation, which can average around $500. Low-income patients with rare diseases face a serious barrier to taking part in drug trials, as the modest fee they receive for participation counts towards their eligibility for Supplemental Security Income and Medicaid and can push their income above the established caps. This forces patients to choose between receiving the essential benefits they need to live and the opportunity to participate in a clinical trial that could improve their condition and offer hope for a cure. This is a cruel choice that no one should have to make.

The bill we are considering today addresses this situation by allowing Medicaid recipients and individuals who receive Supplemental Security Income to participate in clinical trials to provide compensation without the risk of losing their benefits, and by excluding up to $2,000 in compensation a patient receives from a clinical drug trial from his or her income calculation for Supplemental Security Income and Medicaid eligibility.

Our bill applies to rare disorders, which are defined as diseases affecting less than 200,000 people in the United States. There are more than 6,000 rare disorders that, taken together, affect approximately 25 million Americans. Examples of rare diseases include ALS, Crohn's disease, cystic fibrosis, Huntington's disease and Parkinson's disease.

The House version of this bill, which Mr. STEARNS and I introduced more than a year ago, has 141 bipartisan cosponsors. The Senate version we are considering today, which included Medicaid eligibility in addition to SSI, passed the Senate by unanimous consent on August 5. The Congressional Budget Office has determined that the bill has no cost to the Federal Government. While there is no cost to the government, for millions of Americans the benefits could be enormous—the chance to receive treatment that could dramatically improve their health.

For scientific research, clinical drug trials are an essential part of the process for searching for treatments for diseases. When testing treatments for rare diseases in particular, researchers need patient participation from a significant percentage of patients with each disease in order to produce valid results. Consequently, researchers often struggle to recruit enough patients.

□ 1130

Today, we are working to eliminate one of those barriers to participation by opening clinical trials for rare diseases to those on Medicaid and Supplemental Security Income.

This could produce dramatic advancements towards a cure for rare disorders, including cystic fibrosis. There are approximately 30,000 people living in the United States with cystic fibrosis today. In the 1950s, children with CF usually didn't live past the age of kindergarten. Now, CF patients live productive lives with a median age of 37, thanks to advances in medical research just over the last 40 years.

More than 30 potential therapies are in the CF drug development pipeline today, more than in the entire history of CF research, and many are being tested in clinical trials.

In the next 2 to 3 years, we will need more than 7,000 CF patients to participate in clinical drug trials. Three thousand CF patients participated in drug trials last year. Nearly 50 percent of the CF population receives public benefits, including SSI and Medicaid.

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

Mr. McDERMOTT. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. MARKEY of Massachusetts. Listen to that again: Nearly 50 percent of the CF population receives public benefits, including SSI and Medicaid.

While the average clinical trial compensation amount for a cystic fibrosis drug is $700, an individual with cystic fibrosis often has medical expenses totaling nearly $80,000 per year. Clinical research is critical to our progress towards curing rare diseases such as cystic fibrosis, especially at a time of tremendous opportunity and hope in medical research.

The bipartisan Improving Access to Clinical Trials Act will encourage patients suffering from rare diseases to participate in promising clinical research that may lead to cures, better treatment, and ultimately, saved lives, without having to worry that they could lose SSI benefits.

Our bill has been endorsed by more than 120 organizations, including the Cystic Fibrosis Foundation, the Biotechnology Industry Organization, the National Health Council, and Research!America.

Research is medicine's field of dreams from which we harvest the findings that give hope to millions of Americans that the disease that runs through their family's history may finally be cured. That is what this bill is all about, ensuring clinical trials are conducted that give families hope.

Again, I want to thank the gentleman from Florida and the leaders of the Ways and Means Committee for all of the work that you have done in making this a possibility. I urge an ''aye'' vote.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), one of the coauthors of the House bill.

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

Mr. STEARNS. Mr. Speaker, I thank my colleague from Louisiana for yielding me this time.

Obviously as a cosponsor in working with Mr. MARKEY, this is a very important bill. Mr. Speaker, this is bipartisanship in its essence. We have seen a lot of complaints both in the press and from the public about Members of Congress not getting together. Here you have a gentleman from Massachusetts and a gentleman from Florida working to cosponsor and to pass this bill. It has overwhelming support by Members here in the House. I look forward to its passage, and I commend the gentleman from Massachusetts (Mr. MARKEY) for what he is doing. We are cochairs and cofounders. We cofounded the Cystic Fibrosis Caucus some time ago. We are working, doing the Lord's work here.

Mr. Speaker, a lot of what has been said is also in my speech, and I don't necessarily want to reiterate it again. Simply put, this bill improves access to clinical trials. It will allow people with rare diseases like cystic fibrosis to participate in clinical trials that provide nominal compensation without, and this is the key part, without the risk of losing their health coverage. Senator WYDEN sponsored the bill S. 1674, and Mr. MARKEY and I sponsored H.R. 2866.

I think all of us realize clinical trials are an essential part of the process as researchers develop new treatments for diseases. When testing treatments for rare diseases in particular, researchers need a significant percent of the patient population for each disease to participate in the various trials. Because of this, they often struggle to recruit patients. They just can't find enough.

For example, let's go to the University of Alabama at Birmingham. It houses one of the Cystic Fibrosis Foundation's largest CF care centers with over 450 patients. The University of Alabama at Birmingham conducts numerous clinical trials on promising new treatments for CF patients. But when they began looking for CF patients to participate in trials for a new drug that some believe would be a game changer in the treatment of CF, they were only able to find four patients who met the trial protocol criteria. With these small numbers, the integrity of the study can be compromised if patients are not enrolled promptly. Enrollment becomes further compromised when patients choose to not participate because their Medicaid and SSI eligibility becomes at stake.

We have come a long way in treating CF. In the 1950s, children with CF usually didn't last past the age of kindergarten. Now, with all of the advances in medical research, we can proudly say that CF patients live much longer and have more productive lives, with the median age of 37. This is thanks in part to clinical trials which have brought effective new drug therapies to those with cystic fibrosis.

So in the next 2 to 3 years, we will need more than 7,000 CF patients to participate in clinical drug trials. Three thousand CF patients participated in trials last year. The bill we have here on the floor will help new therapies move quickly from the laboratory into the hands of the patients who need them and will reduce the administrative cost of disenrolling a beneficiary from SSI and Medicaid one month and reenrolling the beneficiary the very next month.

Importantly, the Congressional Budget Office has determined that this bill has very low real cost to the Federal Government, if none. So I ask my colleagues to join me in passage of this bill. As pointed out, we have over 120 cosponsors. The Association of Clinical Research Organizations has endorsed it, the Biotechnology Industry Organization, Cystic Fibrosis Foundation, Genetic Alliance, National Health Council, the National Organization of Rare Disorders, PhRMA, and Research!America.

Passage of this bill is a long time in coming. It will improve Americans' lives. As pointed out, it has no real cost. It is a simple fix to a current law that will save lives today. I urge its passage.

Mr. Speaker, I rise today in strong support of S. 1674—the Improving Access to Clinical Trials Act, or the I–ACT.

As the lead Republican sponsor of the original House version of this bill, H.R. 2866, I am so pleased we are taking up the companion to our bill that has already passed the Senate under unanimous consent. Passage of this bill in the House today will allow this important clinical trials legislation to be signed into law.

I am a proud co-chair and founder of the Congressional Cystic Fibrosis Caucus, along with my friend and colleague from Massachusetts, Mr. ED MARKEY. Through our work with the CF Caucus and the Cystic Fibrosis Foundation, we discovered that low income patients with rare diseases, such as cystic fibrosis, face a serious barrier to taking part in potentially lifesaving clinical trials, as the modest fee they receive for participating in a trial counts toward their eligibility for public health benefits such as Supplemental Security Income, SSI, and Medicaid. This actually forces patients to choose between receiving essential health benefits and the chance to participate in a clinical trial that could improve their condition. This is cruel choice no one should have to make.

Today there are approximately 30,000 people living in the U.S. with cystic fibrosis, and unfortunately almost half of the CF population receives public benefits, such as SSI and Medicaid. However, there are also over 30 new drug therapies and treatments for CF in the pipeline, more than in the entire history of CF research, that can improve the health and lives of CF patients and potentially lead us to a cure. Unfortunately, however, because CF is a rare disease, there just aren't enough CF patients who can participate in clinical trials because they are afraid of losing their public health benefits.

Our bill, the Improving Access to Clinical Trials Act, S.1674/H.R. 2866, will simply allow people with rare diseases like cystic fibrosis to participate in clinical trials that provide nominal compensation without the risk of losing their health care coverage.

Mr. Speaker, clinical trials are an essential part of the process as researchers develop treatments for diseases. When testing treatments for rare diseases in particular, researchers need a significant percent of the patient population for each disease to participate in these trials. And because of this, they often struggle to recruit enough participants.

For example, the University of Alabama at Birmingham houses one of the Cystic Fibrosis

Foundation's largest CF care centers with over 450 patients. UAB conducts numerous clinical trials on promising new treatments for CF patients, but when they began looking for CF patients to participate in a clinical trial for a new drug that some believe could be a game changer in the treatment of CF, they were only able to find 4 patients who met the trial protocol criteria. With these small numbers, the integrity of the study can be compromised if patients are not enrolled promptly. Enrollment becomes further compromised when patients choose to not participate because their SSI and Medicaid eligibility is at stake.

Mr. Speaker, we have come a long in treating CF. In the 1950's, children with CF usually didn't live past the age of kindergarten. Now, with all the advances in medical research, we can proudly say that CF patients live much longer and more productive lives, with a median age of 37. This is thanks in part to clinical trials that have brought effective new drug therapies to those with cystic fibrosis.

In the next 2–3 years, we will need more than 7,000 CF patients to participate in clinical drug trials. Three thousand CF patients participated in trials last year.

The I–ACT will help new therapies move quickly from the laboratory into the hands of the patients who need them and will also actually reduce the administrative costs of disenrolling a beneficiary from SSI and Medicaid one month and re-enrolling the beneficiary the next month. Importantly, the Congressional Budget Office has also determined that S. 1674 has no real costs to the Federal Government.

I ask my colleagues to join me in supporting S.1674—the Improving Access to Clinical Trials Act. The House version of this legislation enjoys strong bipartisan support, with 141 bipartisan cosponsors. And the Senate bill passed under unanimous consent on August 5, 2010.

Our bill has also been endorsed by over 120 organizations including: the Association of Clinical Research Organizations, the Biotechnology Industry Organization, the Cystic Fibrosis Foundation, Genetic Alliance, National Health Council, the National Organization of Rare Disorders, NORD, PhRMA, and Research!America.

Passage of this bill today will go a long way toward improving the lives of Americans with rare diseases, and to bringing us even closer to a cure for rare diseases. This legislation also has no real costs to the Federal Government. It's a simple fix to current law that will save lives, and I am proud to support this bill and be its lead Republican sponsor in the House.

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

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. FLEMING), a physician who knows a little bit about clinical trials.

Mr. FLEMING. I thank the gentleman from Louisiana for yielding me this time.

Mr. Speaker, I have two special investments in this bill, Improving Access to Clinical Trials Act. One is being a physician, a family physician for 34 years. The other is that I have a grandson who was born with cystic fibrosis almost a year to the day. He was born essentially clinically dead. His bowels, his colon had ruptured in utero as a result of his cystic fibrosis. He was delivered. It was an emergency delivery. He spent the first two months of his life in the NICU. Several times we thought we would lose him. He has had a rocky course since then. Today, as a child of a year old, he is catching up with all of his developmental milestones. His health is good, relatively speaking. And he is a beautiful young blessing to my family. He still has a very rocky course.

We know some of the statistics having to do with cystic fibrosis. There are approximately 30,000 people today with this disease. In the 1950s, children rarely lived beyond kindergarten with this disease. Today, the average age is 37. We see people even in their sixties with cystic fibrosis. More than 30 percent of the potential therapies that we have are in the CF drug development pipeline today, many wonderful therapies. We can even see over the horizon that we may some day have a cure within our lifetime.

□ 1140

In the next 2 to 3 years, we will need more than 7,000 cystic fibrosis patients to participate in the clinical trials. So this problem that we have today with the fact that reimbursement from these clinical trials can ratchet down on one's SSI payments or Medicaid or Medicare is, of course, I think, a real impediment, a real blocking stone, for developments and strategies and therapies that we have for our clinical trials.

Again, Mr. Speaker, I stand with my colleagues today on both sides of the aisle for this very bipartisan bill that we support, the Improving Access to Clinical Trials Act, and I urge each and every one of my colleagues to vote in favor of it.

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

Mr. BOUSTANY. I am prepared to close.

Mr. Speaker, I just want to say that I am glad we can work together on this bipartisan bill. It is an important step in improving access to clinical trials.

I thank my colleague from Louisiana for sharing his personal story. It is a very poignant story, and it highlights the importance of this small step that we are taking to improve access to clinical trials.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of the "Improving Access to Clinical Trials Act." I am a proud cosponsor of the House version because it will finally tear down an unnecessary barrier to clinical trials for people with life-threatening rare diseases like cystic fibrosis.

Under current law, patients with rare diseases face an unconscionable choice. If you are receiving Supplemental Security Income benefits, then you could potentially lose these benefits if you participate in a clinical trial. That's because many clinical trials offer compensation in accordance to ethical guidelines in exchange for your participation. This compensation can put you over the income requirements for the SSI program. So in effect, the choice becomes this: take a chance on a cure for tomorrow, or risk losing the critical support you depend on today. That's no choice that anyone should ever have to make.

The "Improving Access to Clinical Trials Act" removes this barrier by exempting the income from a clinical trial from the SSI threshold, thus freeing people to participate if they so choose. It's a common-sense fix that is long overdue and will help groundbreaking research into the cures of tomorrow for rare diseases.

I am also proud to support this legislation because one of my personal missions is to support research to fmd a cure for cystic fibrosis. Long before I ever came to Congress, my wife, Dori, and I supported the Cystic Fibrosis Foundation because of our close connection to people with this rare disease. Andrea Levy, from my hometown of Boca Raton, is one such person.

At the age of six, Andrea was diagnosed with cystic fibrosis. She has fought this disease with courage, and volunteers her time as an advocate for others that face similar health challenges. After graduating from the University of Florida with honors, she earned a masters' degree and is now working full-time as a counselor at a local school so she can continue to help others and give back to our community. Yet every day, she has to set aside hours for treatment and therapy to fight her disease. Andrea and the many others like her with CF should be able to live the American Dream without the burdens of a genetic disease. Yet this quirk in SSI law prevents more clinical trials from going forward because of a lack of people who will sign up.

It's for Andrea and all the people with rare diseases that I have pushed not only for greater access to clinical trials, but for greater investments in biomedical research. I am a longtime supporter of both the National Institutes of Health and private sector organizations such as The Scripps Research Institute and the Max Plank Institute. Finding cures to diseases that afflict so many must remain a fundamental goal of both the public and private sector. On this point, I will not waver.

Let me close by saying that the passage of this important legislation is a shining example of how this body should work. We have strong bipartisan support in both the House and the Senate. My good friend from Florida, Mr. STEARNS, has been a champion for cystic fibrosis and this legislation on the Republican side. I am proud to stand with him today and encourage our colleagues to support this important legislation and for President Obama to sign it into law.

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

Mr. MCDERMOTT. Mr. Speaker, this is sort of an historic moment. If you can get three doctors to agree on the same thing on the floor of the House of Representatives, you've got a pretty good bill.

I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, S. 1674.

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 AUTHORITY FOR STATE CHILD WELFARE DEMONSTRATION PROGRAMS

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6156) to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6156

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

SECTION 1. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

Section 1130 of the Social Security Act (42 U.S.C. 1320a–9) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''1998 through 2003'' and inserting ''2011 through 2016'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or kinship guardianship'' after ''placements'';

(ii) in subparagraph (C), by striking ''address kinship care'' and inserting ''provide early intervention and crisis intervention services that safely reduce out-of-home placements and improve child outcomes''; and

(iii) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

''(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address domestic violence that endangers children and results in the placement of children in foster care.'';

(C) in paragraph (4), by inserting ''or kinship guardianship'' after ''assistance''; and

(D) in paragraph (5), by inserting ''and the ability of the State to implement a corrective action approved under section 1123A'' before the period;

(2) in subsection (e)—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by adding at the end the following:

''(8) an accounting of any additional Federal, State, local, and private investments (other than those with respect to which matching funds were provided under part B or E of title IV) made, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project.'';

(3) in subsection (f)(1)—

(A) in subparagraph (B), by striking ''; and'' and inserting '', including all children and families under the project who come to the attention of the State's child welfare program, either through a report of abuse or neglect or through the provision of services described in subsection (e)(1) to the child or family;''; and

(B) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

''(C) a comparison of the amounts of Federal, State, local and private investments in the services described in subsection (e)(1), by service type, with the amount of the investments during the period of the demonstration project; and''; and

(4) by adding at the end the following:

''(h) INDIAN TRIBES CONSIDERED STATES.—An Indian tribe (as defined in section 479B(a)) shall be considered a State for purposes of this section.''.

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 6156.

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

There was no objection.

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

Mr. Speaker, the legislation before us today will help States test innovative approaches for improving outcomes for vulnerable children who come to the attention of our child welfare system.

The bill restores the authority of the Secretary of Health and Human Services to permit up to 10 demonstration projects annually to allow States and tribes to test efforts to improve child welfare policy. The legislation is cost neutral, and it provides the renewed waiver authority for the next 5 years.

To both increase our understanding of waiver policies and to ensure improved accountability, the legislation newly requires States to report the various sources of Federal, State, local, and private funds that are used in providing specific services under a demonstration project.

Finally, the bill adds a new Federal emphasis on supporting child welfare waivers that identify and address problems related to domestic violence that lead to children being placed in foster care and for waivers that provide early intervention and crisis intervention services that safely reduce out-of-home placements.

Past experience has taught us that child welfare waivers can help States improve outcomes for children while also informing child welfare policy at the national level. Twenty-three States received one or more waivers under the previous demonstration authority, which began in fiscal year 1996 and ended in March of 2006. Although the authority has expired, a handful of States continue to have demonstration projects in operation today.

One of the most successful strategies tested through the prior waiver authority was providing assistance to grandparents and other relatives who assume legal custody of children in foster care. Through the use of kinship care and guardianship assistance arrangements, children were able to find safe and loving homes with family members. This strategy proved to be successful in improving the outcomes of foster children, and it became Federal policy when it was incorporated into the Fostering Connections to Success and Increasing Adoptions Act, which was signed into law 2 years ago.

While providing waivers can be a useful tool in improving child welfare policy, we ultimately need more comprehensive changes to fully reform the system:

Waivers cannot correct certain basic flaws within our current method of financing child welfare programs, starting with the fact that increasing numbers of children are not eligible for Federal foster care assistance because of badly outdated eligibility criteria;

We also need systemic reforms which place a much greater emphasis on preventing abuse and neglect from occurring in the first place. I intend to continue to work towards broader reform to address these and other challenges facing programs serving children at risk of maltreatment.

Before I close, I want to quickly note that this bill continues a proud tradition of the Ways and Means Committee and of the Subcommittee on Income Security and Family Support of reporting out bipartisan legislation to improve our child welfare system.

During the last Congress, I worked with Representative Jerry Weller of Illinois to enact the Fostering Connections Act, which made a series of important changes to Federal policy related to children in foster care. It passed here by unanimous consent.

Today, I am joined by the ranking member of the subcommittee, Representative JOHN LINDER, in bringing this legislation to the floor; and I expect that it will also pass by unanimous consent. It has been a great pleasure to work with JOHN.

I know you are retiring, and I am going to have to work with a new subcommittee chairman one way or another, or with a ranking member.

So I am looking forward to continuing this tradition of dealing with the problems of children who need somebody to look out for them, and it should be a bipartisan issue every time.

I reserve the balance of my time.

Mr. LINDER. Mr. Chairman, thank you for your kind remarks.

I yield myself such time as I may consume.

Mr. Speaker, this bill comes to the floor in a fashion too many bills have not in this Congress:

First, we held a subcommittee hearing. Then the legislation was drafted with bipartisan support. Finally, we ensured that it does not increase the deficit by a penny. It is an example of what can happen if we pursue goals that are widely shared and that have been demonstrated to achieve results.

The legislation before us would allow all States to follow the successful child welfare reform model tested in Florida and other places. As we learned in our hearing, those reforms reduced the number of Florida children in foster care by 36 percent. It increased adoptions by 12,000, and it improved child safety, all without spending more taxpayer money.

I would like to insert into the RECORD a letter of support for this legislation from Youth Villages, which has worked with local officials to achieve such successes in Florida.

Since 1994, 22 States have joined Florida in using child welfare waivers. This legislation extends the authority for all States to do so for 5 years. This will allow other States to test and replicate policies that are working. It is my hope that this one day will pave the way for successful Federal reforms covering all States.

While it appears to be good policy to allow States to waive Federal rules, perhaps future Congresses will find it equally propitious to abolish them. Meanwhile, let's move this bill forward and continue our efforts to improve the lives of all children.

YOUTH VILLAGES,
Arlington, VA, September 20, 2010.

Chairman JIM MCDERMOTT,
Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.
Ranking Member JOHN LINDER,
Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.

DEAR CHAIRMAN MCDERMOTT AND RANKING MEMBER LINDER. On behalf of Youth Villages, I am writing in support of your bill, H.R. 6156. This legislation provides critical authority for the Department of Health and Human Services to extend the Title IV–E waiver program, which has demonstrated substantial impact since creation in 1994. These waivers provide states with greater flexibility in the use of Federal funds for alternative services and supports that promote safety, permanency and well-being for children in the child protection and foster care system.

Youth Villages is a leader in innovative and effective services for troubled youth and their families. Since 2008, Youth Villages has had the opportunity to work collaboratively with several local, privatized child welfare organizations, known as Community Based Care agencies in implementing Florida's Title IV–E waiver. Youth Villages has three offices in Florida and is working with local entities to implement our intensive in-home Intercept services, identify and serve underserved or 'stuck' populations, and provide them with outcome data to support the impact of their waiver effort.

As a result of the flexibility afforded by the Title IV–E waiver, intensive reunification and targeted prevention services are given greater focus in the state's child welfare service approach. Without the award of the waiver, it would have been difficult for Youth Villages to expand its Intercept program into the state to serve the child welfare population. In the two years that Youth Villages has been operating in Florida, we have served over 225 children and families across the Central and Southern regions of the state. Over 77% at six months post-discharge are still living at home or in a home-like environment. The savings associated with serving these 225 children through Intercept instead of congregate, out-of-home placements amounts to roughly $19 million dollars when considering recidivism rates associated with both Intercept and non-Intercept placements.

Youth Villages pledges its full support of H.R. 6156, as this legislation has the ability to transform the child welfare system from one that incentivizes out-of-home placement to a system that promotes in-home treatment and family unification.

Regards,

PATRICK LAWLER,
CEO, Youth Villages.

I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I would like to enter into the RECORD letters of support for H.R. 6156 that I received from the National Conference of State Legislatures and from the American Public Human Services Association.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, September 21, 2010.

Re Renewing Waiver Authority in State Child Welfare Programs (H.R. 6156).

Hon. NANCY PELOSI,
Speaker of the House, Cannon HOB, Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader, Longworth HOB, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: On behalf of the National Conference of State Legislatures (NCSL), we urge you to support H.R. 6156, a bill to renew the authority of the Secretary of the Department of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs. Congressman McDermott and Congressman Linder have fashioned bipartisan legislation that helps create opportunities to enhance the state/federal partnership to assist our nation's most vulnerable children.

NCSL supports reinstating and expanding federal waiver authority so that states can test the results of increased funding flexibility on the development of service alternatives and on the overall delivery of child welfare services, targeting programs to address the needs of their children. By renewing Title VI–E waiver authority from 2011 through 2016, H.R. 6156 will give states an enhanced ability to provide early intervention and crisis intervention services that will safely reduce out-of-home placements and improve child outcomes.

H.R. 6156 will allow states to improve the quality of their child welfare interventions and reinvest savings in their programs. It will also provide both state and federal legislators more information on what innovations are effective to transform the lives of children who are at risk of abuse and neglect. We applaud Congressmen McDermott and Linder for crafting this legislation.

Sincerely,

Representative MARY JANE WALLNER,
New Hampshire House of Representatives, Chair, NCSL Standing Committee on Human Services and Welfare.

Representative WES KELLER,
Alaska House of Representatives, Chair, NCSL Standing Committee on Human Services and Welfare.

AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION AND NATIONAL ASSOCIATION OF PUBLIC CHILD WELFARE ADMINISTRATORS,
September 21, 2010.

Hon. JIM MCDERMOTT,
Hon. JOHN LINDER,
House Ways and Means Committee, Income and Family Support Subcommittee, Washington, DC.

DEAR CHAIRMAN MCDERMOTT AND RANKING MEMBER LINDER: Thank you for your bipartisan leadership in supporting state flexibility through the use of IV–E waivers. The American Public Human Services Association and its affiliate, the National Association of Public Child Welfare Administrators, support H.R. 6156 which renews the Health and Human Services Secretary's authority to approve demonstration projects designed to test innovative strategies in State child welfare programs.

While we support H.R. 6156, we believe it is critical to address restructuring of federal child welfare financing in the near future. Financing should be aligned with the goals and outcomes expected of states. In October 2009, NAPCWA's Executive Committee commissioned a workgroup comprised of child welfare administrators from large, medium and small states, as well as state and locally administered states, and counties. The workgroup developed recommendations on how to restructure the current Title IV–E financing mechanism. Introducing legislation on comprehensive finance reform that addresses the proposals outlined by NAPCWA is essential if all states are to benefit from the opportunities available to those few states who apply for a waiver.

Title IV–E waivers were instrumental in helping states to be innovative when supporting children, youth and families. Waivers gave states the flexibility to target services and supports to best meet the needs of at-risk populations. Waivers provided the opportunity for states to offer guardianship to relatives who wanted to serve as a permanent family for young people, yet did not want to sever parental rights. States such as Florida and counties such as Los Angeles, Calif., have significantly reduced the number of children who languish in care. The number of children experiencing repeat abuse has also decreased.

State practice helped inform federal partners that IV–E should be applied in ways other than foster care. States operating demonstration programs should be allowed to continue to do so.

The overarching premise of IV–E waivers is to prevent children from entering the foster care system in the first place. Waivers play a critical role and are a step forward toward improving the system. We strongly encourage Congress to pass comprehensive child welfare financing reform consistent with what has been learned through the waivers. Federal funds should be aligned so that states have the ability to use resources to keep children at home when it is safe to do so and services to ensure that children do not languish in foster care.

Thank you for your dedication. We look forward to the continued work of improving

services and outcomes for vulnerable children.

Sincerely,

CARI DESANTIS,
Executive Director, APHSA.
ERIN SULLIVAN SUTTON,
President, NAPCWA.

□ 1150

Mr. MCDERMOTT. Mr. Speaker, I yield back the balance of my time and urge a ''yes'' vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 6156, as amended.

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.

ULTRALIGHT SMUGGLING PREVENTION ACT OF 2010

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5307) to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5307

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 cited as the ''Ultralight Smuggling Prevention Act of 2010''.

SEC. 2. DEFINITION OF AIRCRAFT UNDER AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) DEFINITION OF AIRCRAFT.—As used in this section, the term 'aircraft' includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SEC. 3. 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 Tennessee (Mr. TANNER) and the gentleman from Nevada (Mr. HELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. 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 Tennessee?

There was no objection.

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

Mr. Speaker, the Ultralight Smuggling Prevention Act of 2010 is a bill introduced by my colleague Representative GIFFORDS and is aimed at preventing smuggling through the use of ultralight vehicles, a recent practice threatening our border security.

The legislation is a commonsense, good policy approach to give border enforcement officials the tools they need to protect to the fullest extent and bring to justice those who attempt to smuggle illegal narcotics and contraband into our country, regardless of the means. It makes good sense that we do this bill now. Our prosecutors should be armed with the ability to apply the strongest deterrents.

Before yielding, at this moment I would like to thank Representative GIFFORDS for her efforts in bringing this bill to the floor. It is, I think, great national security. We all know what the problems are, and her dedication and her commitment to this approach is something that I think deserves our notice and our thanks.

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

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

Mr. Speaker, I rise in support of H.R. 5307, the Ultralight Smuggling Prevention Act. I want to thank Congresswoman GIFFORDS for the opportunity to work with her on this important piece of legislation.

Mr. Speaker, Nevadans are all too familiar with the impact of illegal drugs on our communities. Meth and other illicit substances are destroying lives and families in my State. Due to its proximity to southwest border States, Nevada serves as a hub for the distribution of Mexican drugs destined for the central and eastern United States. As a result, too many Nevadans are exposed to illicit drugs from Mexico, along with the violence and the crime that accompanies drug smuggling activities.

According to the Office of National Drug Control Policy, Mexican-produced crystal meth is the most readily available form of meth in Nevada. Mexican black tar heroin is the most prevalent form of heroin in my State, and Mexican-grown marijuana is readily available in Nevada.

Because of the impact Mexican drugs are having on Nevada, I believe passage of the legislation we are considering today is important. While ultralights from Mexico don't have the range to make it into Nevada, all methods of smuggling across our southern borders impact the supply of illegal drugs throughout our Nation.

The 2010 National Drug Threat Assessment released by the National Drug Intelligence Center identified ultralights as a new means drug cartels are using to smuggle drugs into the United States. Due to a loophole in current law, drug smugglers who use ultralights are subject to lesser penalties than they should be. The Ultralight Smuggling Prevention Act will provide law enforcement the tools they need to prosecute drug smugglers to the fullest extent of the law.

The Ultralight Smuggling Prevention Act takes the commonsense step of including ultralights under the aviation smuggling provisions of the Tariff Act of 1930. This bill will simply establish the same penalties for smuggling drugs on ultralights as for smuggling on airplanes or automobiles.

In closing, I would like to again recognize and thank Congresswoman GIFFORDS for her leadership. I am also grateful to my colleagues on the House Ways and Means Committee for allowing this bipartisan legislation to come to the floor in this timely manner.

I urge my colleagues to support passage of the Ultralight Smuggling Prevention Act.

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

Mr. TANNER. Thank you, Mr. HELLER.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Chairman TANNER, for this opportunity.

I rise today, along with Congressman HELLER, to address the newest threat of drug smuggling into the United States on the southwest border.

As drug violence wreaks havoc on our southern neighbor, the country of Mexico, the product of this narcoterrorism continues to fuel violent and ruthless acts and is now floating effortlessly across the U.S.-Mexico border into our communities. We must do everything in our power to neutralize this insidious threat and stem the flow of narcotics and drug money that threatens our communities.

The latest tool used by these drug traffickers are these small planes, these small planes that go largely undetected by our law enforcement community. Single-person ultralight aircraft that are flying low, as depicted in this image, make them, of course, very popular among enthusiasts, but are now a new tool that the drug cartels have adopted to corrupt this fine pastime.

Every year now, hundreds of ultralights laden with illegal narcotics are flown over our southern borders and are now landing in our backyards. Here is a map of my backyard. Southern Arizona is on the front lines of this border security crisis. The Tucson sector of the Border Patrol is the Nation's largest and most porous part of the U.S.-Mexico border. Despite the difficult and rugged terrain, drug traffickers are streaming across the border

by whatever means necessary. Sometimes they go under, but in the case of the ultralights, they are going over the border.

□ 1200

In the Tucson sector, there are more drugs and illegal immigrants apprehended than in all other parts of the United States. Last fiscal year, the Border Patrol in the Tucson sector seized over 1.2 million pounds of marijuana. Other drugs were seized as well, like cocaine, like methamphetamine that Mr. HELLER was talking about.

In fiscal year 2009, there were over 240,000 apprehensions of illegal immigrants—those that we just apprehended in the Tucson sector of the Border Patrol.

So we know that thousands and hundreds of thousands of people are crossing illegally.

And now we have this latest weapon, the ultralight, that they are using to produce an ever-expanding arsenal from the narco-terrorists, capable of not just transporting illegal drugs, but any number of dangerous payloads. These planes have now been reported flying up to 200 miles north of the border.

I first learned about the illicit use of ultralights in a briefing from the United States Border Patrol. Their message was unambiguous. We need to crack down on ultralight aircraft now. The National Drug Intelligence Center, in their 2010 National Drug Threat Assessment, also identified ultralights as a growing threat.

According to the CBP Air and Marine Operation Center based in Riverside, California, there were 193 suspected incursions into the United States and 135 confirmed incursions into the United States by ultralights from October 1 of last year through April.

Some examples: In October of 2008, we detected an unidentified northbound low-flying aircraft 12 miles north of Nogales, Arizona. A CBP surveillance helicopter launched from Tucson identified the low-flying aircraft as an ultralight. The pilot was forced down in Marana, Arizona. He was carrying a cargo of over 225 pounds of marijuana.

In November 2008, near San Luis, field workers arrived for work and discovered a crashed ultralight, the pilot was dead, 141 pounds of marijuana.

December of 2008, the pilot of an ultralight collided with power lines and crashed southwest of Tucson, Arizona. He was carrying 250 pounds of marijuana.

And just this past May, at 6:20 early on a Sunday morning, the North American Aerospace Defense Command detected a small, low-flying aircraft in southern Arizona near the border with Mexico. NORAD quickly scrambled two F–16s to intercept the ultralight, shadowing it for 30 minutes before it was forced back into Mexico.

The threat is real.

It is time for the Federal Government to get ahead of these drug smugglers. There is no excuse for the Federal Government to not act sooner on this known threat. So today we're doing something about it.

The problem has been that lightweight ultralights are not officially categorized as aircraft by the Federal Aviation Administration so our law enforcement has not had the tools they need to address the rising threat, and that is why I introduced H.R. 5307, the Ultralight Smuggling Prevention Act, along with my Republican colleague from Nevada, Congressman DEAN HELLER.

This is a bipartisan, commonsense bill that will finally close the loophole that's been exploited by drug cartel kingpins and give our law enforcement the actual tools they need to fight this escalating crisis.

H.R. 5307 will amend the Tariff Act of 1930 to include ultralight vehicles under the aviation smuggling provisions, finally giving law enforcement the tools they need to prosecute these crimes to the fullest extent. Our bill will establish the same penalties for smuggling drugs on ultralights as for smuggling on airplanes or in cars or in trucks.

Millions of pounds of marijuana are coming into the United States every single year. They're coming through on vehicles or they're coming through with people. And sometimes, more often it's a combination of both. With our bill, individuals caught smuggling on ultralights will be prosecuted for using the ultralight in addition to being prosecuted for the drugs they have in their possession. This will carry a maximum sentence of up to 20 years in prison and a $250,000 fine.

The Ultralight Smuggling Prevention Act is a long overdue solution, which is why it's been received well in our community, and we have had several endorsements. For example the Arizona Farm Bureau, the Arizona Cattle Growers' Association, and the Pima County Sheriff's Office.

In closing, Mr. Speaker, while the men and the women of the Border Patrol and of ICE have made great progress in stemming the flow of drugs and illegal immigrants, our southern border is not yet secure, and many of the people I represent live in constant fear. The murder of my constituent, Rob Krentz, in March has heightened those fears and, quite frankly, has given rise to the anger and frustration that southern Arizonans and all Americans feel toward our government's inability to live up to its first responsibility—ensuring the safety and security of all American citizens.

Mr. Speaker, improving border security has been my top priority since I first came here in January of 2007. I have been steadfast in my support of increased funding to bring more agents and more assets to southern Arizona, redeploying the National Guard and passing a $600 million emergency border security funding bill.

What so many Members of Congress do not understand is that the Border Patrol is outmanned, outgunned, and they're out-resourced. So we must remain constantly vigilant and one step ahead of the enemy.

The violent cartels of Mexico are exploiting a new weakness in our defense, and the bill we are considering today will strengthen our national security. The bill will render useless the newest tool of the drug traffickers, making our communities safer.

Again, I want to thank Mr. HELLER for joining me on this very important piece of legislation. I'd also like to express my appreciation to Chairman TANNER, and to the staff, especially Jennifer McCadney, for moving this important legislation forward.

Mr. HELLER. Madam Speaker, I yield myself 1 minute to reiterate my support for this bipartisan legislation.

The Ultralight Smuggling Prevention Act will serve as an important deterrent to the use of ultralights for drug smuggling along our borders and help curb the supply of illegal narcotics in our Nation. I urge my colleagues to support and vote for the Ultralight Smuggling Prevention Act.

I yield back the balance of my time.

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

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 5307, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

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

The Clerk read as follows:

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a lame-duck session of Congress;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm 2010 elections;

Whereas this Congress began its mortgage of the Nation's future with a ''stimulus'' package costing $1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American businesses and families;

Whereas this Congress continued its free-wheeling spending with an increase of $72.4

billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of $1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the 6 largest nominal deficits in American history and included tax increases of $423 billion during a period of sustained high unemployment;

Whereas the House of Representatives disregarded the interests and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to $3,000 per person per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the interests and opinions of everyday Americans by passing a massive government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by $569.2 billion, and fund abortions—all at a cost of $2.64 trillion over the first 10 years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and $50.1 billion over 10 years;

Whereas the House of Representatives passed the DISCLOSE Act, which would violate the First Amendment and hinder the free speech of citizens associations and corporations while leaving all unions exempt from many of the new requirements, in order to try to influence the outcome of the midterm 2010 elections;

Whereas in spite of the House Budget Committee Chairman's 2006 statement that ''if you can't budget, you can't govern'', the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a ''deeming resolution'' that increases nonemergency discretionary spending in fiscal year 2011 by $30 billion to $1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address Fannie Mae and Freddie Mac, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a ''cash for clunkers'' program, a home remodification program (''cash for caulkers''), and countless other special interest projects while allowing the public debt to reach its highest level in United States history;

Whereas the New York Times reported on June 19, 2010, that ''[f]or all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections'';

Whereas the Washington Times reported on June 22, 2010, that House Majority Leader Steny Hoyer stated, ''a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year'';

Whereas the Hill reported on June 24, 2010, that Senator Tom Harkin, a Democrat from Iowa, suggested that ''Democrats might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said'';

Whereas the New York Times published an article on June 28, 2010, titled ''Lame-Duck Session Emerges as Possibility for Climate Bill Conference'' that declares, ''many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January'';

Whereas the Hill reported on July 1, 2010, that ''Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls'';

Whereas the Wall Street Journal reported on July 13, 2010, that ''there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation'';

Whereas the Hill reported on July 27, 2010, that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, ''We're going to have to have a lame duck session, so we're not giving up'';

Whereas the Hill reported in the same piece on July 27, 2010, that the lame-duck session will include priorities such as ''comprehensive immigration reform, climate change legislation and a whole host of other issues'';

Whereas during NBC's Meet the Press on August 8, 2010, White House advisor Carol Browner stated that Congress would ''potentially'' deal with a national energy tax bill in a lame-duck session;

Whereas the Hill reported on August 20, 2010, that Rep. Mike Quigley (D–IL) said, ''I'm more hopeful about the lame duck session. I have faith that we're going to repeal Don't Ask Don't Tell'';

Whereas the members of the House Republican Conference, as an alternative to passing a massive omnibus spending bill for next year during a lame-duck session, have called on members of both parties, as a starting point, to work together this month to enact legislation that cuts nonsecurity discretionary spending to 2008 levels (the last year before the wave of bailouts, stimulus spending sprees, and takeovers that have dismayed the American people) for the next year and provides much-needed certainty to American small businesses by freezing tax rates at their current levels for the next 2 years;

Whereas recent public polling shows that the American people clearly oppose the idea of dealing with major new legislation in a lame-duck session;

Whereas the Declaration of Independence notes that governments ''[derive] their just powers from the consent of the governed'';

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless ''tea party'' events, at townhalls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas the Democrat majority has all but announced plans to use any lame-duck Congress to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas reconvening the House of Representatives in a lame-duck session to address major new legislation subverts the will of the American people, lessens accountability, and does lasting damage to the dignity and integrity of this body's proceedings; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of expanding governmental power and limiting individual liberty, the American people have lost confidence in their elected officials, and that faith must be restored: Now, therefore, be it—

Resolved, That the House of Representatives pledges not to assemble on or between November 2, 2010, and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress, and that the consideration of any of the following matters does not constitute an unforeseen, sudden emergency:

(1) Card check, including H.R. 1409 (111th).

(2) A national energy tax, including H.R. 2454 (111th).

(3) Any legislation that would provide more authority to Fannie Mae or Freddie Mac.

(4) Any legislation pertaining to the Immigration and Nationality Act.

(5) Any legislation making regular appropriations for fiscal year 2011 that would be an increase over previous funding levels.

(6) Any legislation increasing any tax on any American.

The SPEAKER pro tempore (Ms. RICHARDSON). Does the gentleman from Georgia wish to present his argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Madam Speaker, the rules of the House are important. Following these rules increases the trust of the American people in our institution, in our actions, a trust that is pivotal to the survival of our Republic.

The questions of privilege of the House in this resolution come to the floor by virtue of rule IX, which states in part: ''Questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.'' Integrity of its proceedings, Madam Speaker.

Further: ''Those questions of privilege shall be those affecting the rights, reputation, and conduct of its Members.''

□ 1220

Madam Speaker, the reputation and the conduct of Members and the integrity of our proceedings is in question and is highlighted in this resolution. What could be more questionable than having this House adopt further affronts to this great country in a lame duck session.

As the resolution states in just one ''whereas,'' ''Whereas reconvening the House of Representatives in a lame

duck session to address major new legislation subverts the will of the American people, lessens accountability, and does lasting damage to the dignity and integrity of this body's proceedings.''

Madam Speaker, the intent of the majority is very clear. They want to spend more, they want to tax more, they want to borrow more, and they wish to harm more job creation in this lame duck session. And the American people don't want this.

To positively represent our constituents, I urge the Speaker to allow this resolution to be considered.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Georgia declares a variety of facts and circumstances and expresses sundry opinions. On those premises the resolution proposes to prescribe principles by which to schedule or conduct the constitutional session of the House. It ultimately proposes a special rule to govern the final months of the constitutional session of the House.

In evaluating the resolution under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to effect a change in the rules or standing orders of the House or their interpretation, nor to prescribe a special rule or order of business.

The averment that this resolution presents a question of the privileges of the House under rule IX embodies a precisely contrary principle. It augurs that the mere articulation of some prudential motive makes it privileged to regulate the proceedings of the House on instant bases. Under such an approach, each individual Member of the House could constitute himself or herself as a virtual Rules Committee. Any Member would be able to place before the House at any time whatever proposed order of business he or she might deem advisable, simply by alleging an insult to dignity or integrity secondary to some action or inaction. In such an environment, anything could be privileged, so nothing would enjoy true privilege. With every question having precedence over every other question, the legislative attention of the House would be managed ad hoc by the presiding officer's discretionary power of recognition.

Under the long and well-settled line of precedent presently culminating in the ruling of August 10, 2010, the Chair finds that such a resolution does not affect ''the rights of the House collectively, its safety, dignity, or the integrity of its proceedings'' within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House. The Chair therefore holds that the resolution is not privileged for consideration ahead of other business. Instead, the resolution may be submitted through the hopper for possible consideration in the regular course.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. HASTINGS of Florida. Madam Speaker, I move to table the appeal of the ruling of the Chair.

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

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

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on House Resolution 1640; adoption of House Resolution 1640, if ordered; motion to suspend the rules on H.R. 5110; and motion to suspend the rules on H.R. 4823.

The vote was taken by electronic device, and there were—yeas 236, nays 172, not voting 24, as follows:

[Roll No. 534]

YEAS—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
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
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
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

NAYS—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
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
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—24

Becerra
Bilirakis
Blunt
Boren
Braley (IA)
Bright
Capuano
Conaway
Costa
Davis (IL)
Diaz-Balart, L.
Ellison
Fallin
Hall (NY)
Heller
Honda
McCarthy (CA)
Meek (FL)
Pence
Roskam
Sullivan
Teague
Yarmuth
Young (FL)

□ 1251

Messrs. KINGSTON, SHUSTER, MACK, BOOZMAN, and Mrs. CAPITO changed their vote from ''yea'' to ''nay.''

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

So the motion to table 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. ELLISON. Madam Speaker, on September 23, 2010, I inadvertently missed rollcall No. 534, but had I been present I would have voted "yea."

Stated against:

Mr. BILIRAKIS. Madam Speaker, on rollcall No. 534, had I been present, I would have voted "nay."

Mr. CONAWAY. Madam Speaker, on rollcall No. 534, to Table the Appeal of the Ruling of the Chair, had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5297, SMALL BUSINESS JOBS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1640, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 181, not voting 21, as follows:

[Roll No. 535]

YEAS—230

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
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
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
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)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
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
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
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
Hoekstra
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
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—21

Becerra
Bilbray
Blunt
Boren
Braley (IA)
Bright
Buyer
Capuano
Cohen
Conaway
Fallin
Hall (NY)
Honda
McMorris Rodgers
Meek (FL)
Moore (KS)
Stark
Thornberry
Towns
Velázquez
Young (FL)

□ 1259

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. BILBRAY. Madam Speaker, on rollcall No. 535, had I been present, I would have voted "nay."

Mr. CONAWAY. Madam Speaker, on rollcall No. 535—H. Res. 1640—on ordering the previous question, had I been present, I would have voted "nay."

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 226, nays 186, not voting 20, as follows:

[Roll No. 536]

YEAS—226

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
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
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
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)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon

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

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
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
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
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
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
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)
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—20

Becerra
Bilbray
Blunt
Boren
Bright
Capuano
Castor (FL)
Cleaver
Conaway
Fallin
Hall (NY)
Honda
Kirk
Marchant
Meek (FL)
Moore (KS)
Nadler (NY)
Thornberry
Waters
Young (FL)

□ 1308

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BILBRAY. Madam Speaker, on rollcall No. 536, had I been present, I would have voted "nay."

Mr. CONAWAY. Madam Speaker, on rollcall No. 536—H. Res. 1640—providing for consideration of the Senate amendment to the bill (H.R. 5297) to create the Small Business Lending Fund Program and to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, had I been present, I would have voted "nay."

CASA GRANDE RUINS NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5110) to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes, 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 the Virgin Islands (Mrs. CHRISTENSEN) 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 244, nays 174, not voting 14, as follows:

[Roll No. 537]

YEAS—244

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

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
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
Coble
Coffman (CO)
Cole
Crenshaw
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
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
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
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)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Berry
Blunt
Boren
Bright
Capuano
Conaway
DeFazio
Fallin
Hall (NY)
Honda
Meek (FL)
Schrader
Woolsey
Young (FL)

□ 1315

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WOOLSEY. Madam Speaker, on September 23, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 537. Had I been present I would have voted: rollcall No. 537: "Yea"—Casa Grande Ruins National Monument Boundary Modification Act of 2010.

Stated against:

Mr. CONAWAY. Madam Speaker, on rollcall No. 537—H.R. 5110—Casa Grande Ruins National Monument Boundary Modification Act of 2010, had I been present, I would have voted "nay."

SEDONA-RED ROCK NATIONAL SCENIC AREA ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4823) to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, and for other purposes, 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 the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 160, not voting 14, as follows:

[Roll No. 538]

YEAS—258

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
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)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
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
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—160

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
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
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Bachmann
Blunt
Boren
Bright
Conaway
Davis (AL)
DeFazio
Fallin
Garrett (NJ)
Hall (NY)
Honda
Meek (FL)
Schrader
Young (FL)

□ 1325

Mr. JONES changed his vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CONAWAY, Madam Speaker, on rollcall No. 538—H.R. 4823—Sedona-Red Rock National Scenic Area Act of 2010, had I been present, I would have voted "nay."

RETURNING SEVERAL MEASURES TO THE SENATE

Mr. LEVIN. Madam Speaker, I offer a resolution constituting the privileges of the House.

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

The Clerk read as follows:

H. RES. 1653

Resolved,

SECTION 1. (a) Each of the bills and the amendment of the Senate specified in subsection (b)—

(1) in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and

(2) shall be respectfully returned to the Senate with a message communicating this resolution.

(b) The bills and amendment of the Senate specified in this subsection are as follows:

(1) The Senate amendment to H.R. 5875.
(2) S. 951.
(3) S. 1023.
(4) S. 2799.
(5) S. 3162.
(6) S. 3187.

The SPEAKER pro tempore. The resolution presents a question of privilege.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1330

SMALL BUSINESS JOBS ACT OF 2010

Ms. BEAN. Madam Speaker, pursuant to House Resolution 1640 and as the designee of the chairman of the Committee on Financial Services, I call up 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, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

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

The text of the Senate amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Jobs Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.
Sec. 1112. Maximum loan amounts under 504 program.
Sec. 1113. Maximum loan limits under microloan program.
Sec. 1114. Loan guarantee enhancement extensions.
Sec. 1115. New Markets Venture Capital company investment limitations.
Sec. 1116. Alternative size standards.
Sec. 1117. Sale of 7(a) loans in secondary market.
Sec. 1118. Online lending platform.
Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.
Sec. 1132. Public policy goals.
Sec. 1133. Floor plan pilot program extension.
Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.
Sec. 1135. Temporary express loan enhancement.
Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.
Sec. 1202. Definitions.
Sec. 1203. Office of International Trade.
Sec. 1204. Duties of the Office of International Trade.
Sec. 1205. Export assistance centers.
Sec. 1206. International trade finance programs.
Sec. 1207. State Trade and Export Promotion Grant Program.
Sec. 1208. Rural export promotion.
Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

Sec. 1311. Small Business Act.
Sec. 1312. Leadership and oversight.
Sec. 1313. Consolidation of contract requirements.
Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.
Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.
Sec. 1332. Micro-purchase guidelines.
Sec. 1333. Agency accountability.
Sec. 1334. Payment of subcontractors.
Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.
Sec. 1342. Annual certification.
Sec. 1343. Training for contracting and enforcement personnel.
Sec. 1344. Updated size standards.
Sec. 1345. Study and report on the mentor-protege program.
Sec. 1346. Contracting goals reports.
Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.
Sec. 1402. Grants for SBDCs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.
Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.
Sec. 1702. Business loans program account.
Sec. 1703. Community Development Financial Institutions Fund program account.
Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.
Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.
Sec. 2014. Temporary reduction in recognition period for built-in gains tax.

PART II—ENCOURAGING INVESTMENT

Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.
Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.
Sec. 2023. Special rule for long-term contract accounting.

PART III—PROMOTING ENTREPRENEURSHIP

Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.
Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.
Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.
Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

Sec. 2101. Information reporting for rental property expense payments.
Sec. 2102. Increase in information return penalties.
Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.
Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.

PART II—PROMOTING RETIREMENT PREPARATION

Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.
Sec. 2113. Special rules for annuities received from only a portion of a contract.

PART III—CLOSING UNINTENDED LOOPHOLES

Sec. 2121. Crude tall oil ineligible for cellulosic biofuel producer credit.
Sec. 2122. Source rules for income on guarantees.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 2131. Time for payment of corporate estimated taxes.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Federal funds allocated to States.
Sec. 3004. Approving States for participation.
Sec. 3005. Approving State capital access programs.
Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.
Sec. 3007. Reports.
Sec. 3008. Remedies for State program termination or failures.
Sec. 3009. Implementation and administration.
Sec. 3010. Regulations.
Sec. 3011. Oversight and audits.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

Sec. 4101. Purpose.
Sec. 4102. Definitions.
Sec. 4103. Small business lending fund.
Sec. 4104. Additional authorities of the Secretary.
Sec. 4105. Considerations.
Sec. 4106. Reports.
Sec. 4107. Oversight and audits.
Sec. 4108. Credit reform; funding.
Sec. 4109. Termination and continuation of authorities.
Sec. 4110. Preservation of authority.
Sec. 4111. Assurances.
Sec. 4112. Study and report with respect to women-owned, veteran-owned, and minority-owned businesses.
Sec. 4113. Sense of Congress.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

Sec. 4221. Short title.
Sec. 4222. Global business development and promotion activities of the Department of Commerce.
Sec. 4223. Additional funding to improve access to global markets for rural businesses.
Sec. 4224. Additional funding for the ExporTech program.
Sec. 4225. Additional funding for the market development cooperator program of the Department of Commerce.
Sec. 4226. Hollings Manufacturing Partnership Program; Technology Innovation Program.
Sec. 4227. Sense of the Senate concerning Federal collaboration with States on export promotion issues.
Sec. 4228. Report on tariff and nontariff barriers.

PART II—MEDICARE FRAUD

Sec. 4241. Use of predictive modeling and other analytics technologies to identify and prevent waste, fraud, and abuse in the Medicare fee-for-service program.

TITLE V—BUDGETARY PROVISIONS

Sec. 5001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place that term appears and inserting ''December 31, 2010''.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 155) is amended by striking ''on the date 2 years after the date of enactment of this section'' and inserting ''2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor''.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $7,500,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (l) and inserting the following:

''(l) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible intermediary'—

''(i) means a private, nonprofit entity that—

''(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

''(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

''(ii) includes—

''(I) a private, nonprofit community development corporation;

''(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

''(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

''(B) the term 'Program' means the small business intermediary lending pilot program established under paragraph (2).

''(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

''(3) PURPOSES.—The purposes of the Program are—

''(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

''(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

''(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

''(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

''(i) the type of small business concerns to be assisted;

''(ii) the size and range of loans to be made;

''(iii) the interest rate and terms of loans to be made;

''(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

''(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

''(vi) the qualifications of the applicant to carry out this subsection.

''(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed $1,000,000 during the participation of the eligible intermediary in the Program.

''(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

''(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

''(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

''(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

''(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

''(i) to not more than 20 eligible intermediaries; and

''(ii) in a total amount of not more than $20,000,000.

''(5) LOANS TO SMALL BUSINESS CONCERNS.—

''(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

''(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than $200,000 to any 1 small business concern.

''(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

''(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

''(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.''.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(l) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking ''or'' at the end;

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

(3) by adding at the end the following:

''(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.''.

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

''(34) FLOOR PLAN FINANCING PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'eligible retail good'—

''(i) means a good for which a title may be obtained under State law; and

''(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

''(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

''(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than $500,000 and not more than $5,000,000.

''(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

''(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

''(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

''(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

''(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.''.

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

"SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'eligible community development financial institution' means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

''(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term 'eligible community or economic development purpose'—

''(A) means any purpose described in section 108(b); and

''(B) includes the provision of community or economic development in low-income or underserved rural areas.

''(3) GUARANTEE.—The term 'guarantee' means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

''(4) LOAN.—The term 'loan' means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

''(5) MASTER SERVICER.—

''(A) IN GENERAL.—The term 'master servicer' means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

''(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

''(i) loan administration, servicing, and loan monitoring;

''(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

''(iii) managing regional or national originator communication systems and infrastructure;

''(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

''(v) compliance monitoring, investor relations, and reporting.

''(6) PROGRAM.—The term 'Program' means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

''(7) PROGRAM ADMINISTRATOR.—The term 'Program administrator' means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

''(8) QUALIFIED ISSUER.—

''(A) IN GENERAL.—The term 'qualified issuer' means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

''(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

''(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

''(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

''(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

''(II) provide to the Secretary—

''(aa) an acceptable statement of the proposed sources and uses of the funds; and

''(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

''(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

''(C) DEPARTMENT OPINION; TIMING.—

''(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

''(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(10) SERVICER.—The term 'servicer' means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

''(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

''(1) for eligible community or economic development purposes; or

''(2) to refinance loans or notes issued for such purposes.

''(c) GENERAL PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

''(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

''(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

''(A) community or economic development loans;

''(B) a relending account, to the extent authorized under paragraph (2); or

''(C) a risk-share pool established under subsection (d).

''(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

''(5) PROHIBITED USES.—The Secretary shall, by regulation—

''(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

''(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

''(i) the qualified issuer; or

''(ii) any recipient of amounts from the guarantee of a bond or note.

''(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

''(e) GUARANTEES.—

''(1) IN GENERAL.—A guarantee issued under the Program shall—

''(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

''(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

''(C) represent the full faith and credit of the United States; and

''(D) not exceed 30 years.

''(2) LIMITATIONS.—

''(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

''(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than $100,000,000, but the total of all such guarantees in any fiscal year may not exceed $1,000,000,000.

''(f) SERVICING OF TRANSACTIONS.—

''(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

''(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

''(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

''(B) compliance monitoring;

''(C) bond packaging in connection with the Program; and

''(D) all other duties and related services that are customarily expected of a Program administrator.

''(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

''(A) billing and collecting loan payments;

''(B) initiating collection activities on past-due loans;

''(C) transferring loan payments to the master servicing accounts;

''(D) loan administration and servicing;

''(E) systematic and timely reporting of loan performance through remittance and servicing reports;

''(F) proper measurement of annual outstanding loan requirements; and

''(G) all other duties and related services that are customarily expected of servicers.

''(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

''(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

''(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

''(C) monitoring the collection comments and foreclosure actions;

''(D) aggregating the reporting and distribution of funds to trustees and investors;

''(E) removing and replacing a servicer, as necessary;

''(F) loan administration and servicing;

''(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

''(H) proper distribution of funds to investors; and

''(I) all other duties and related services that are customarily expected of a master servicer.

''(g) FEES.—

''(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

''(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

''(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

''(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

''(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

''(j) ADMINISTRATION.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

''(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.''.

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$350,000'' and inserting ''$1,000,000''.

(b) PROSPECTIVE REPEAL.—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$1,000,000'' and inserting ''$350,000''.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) DEFINITION.—In this subsection, the term ''covered amounts'' means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Small Business Export Enhancement and International Trade Act of 2010''.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the term ''Associate Administrator'' means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term ''rural small business concern'' means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term 'small business development center' means a small business development center described in section 21.

''(u) REGION OF THE ADMINISTRATION.—In this Act, the term 'region of the Administration' means the geographic area served by a regional office of the Administration established under section 4(a).''.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking ''Administration district and region'' and inserting ''district and region of the Administration''.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting ''for the primary purposes of increasing—

''(A) the number of small business concerns that export; and

''(B) the volume of exports by small business concerns.''; and

(B) by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

''(A) accompany small business concerns on foreign trade missions; and

''(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently in foreign markets;

''(D) increasing the ability of small business concerns to access capital; and

''(E) disseminating information concerning Federal, State, and private programs and initiatives;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (3), as so redesignated, by striking ''assist small businesses in the formation and utilization of'' and inserting ''assist small business concerns in forming and using'';

(F) in paragraph (4), as so redesignated—

(i) by striking ''local'' and inserting ''district'';

(ii) by striking ''existing'';

(iii) by striking ''Small Business Development Center network'' and inserting ''small business development center network''; and

(iv) by striking ''Small Business Development Center Program'' and inserting ''small business development center program'';

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(ii) in subparagraph (B), by striking ''SIC'' each place it appears and inserting ''North American Industry Classification System''; and

(iii) in subparagraph (C), by striking ''small businesses'' and inserting ''small business concerns'';

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''concerns'' after ''small business''; and

(II) by striking ''current'' and inserting ''up to date'';

(ii) in subparagraph (A), by striking ''Administration's regional offices'' and inserting ''regional and district offices of the Administration'';

(iii) in subparagraph (B) by striking ''current'';

(iv) in subparagraph (C), by striking ''current''; and

(v) by striking ''small businesses'' each place that term appears and inserting ''small business concerns'';

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''person in each district office. Such specialists'' and inserting ''individual in each district office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (B)—

(I) by striking ''current''; and

(II) by striking ''with'' and inserting ''in'';

(iii) in subparagraph (D)—

(I) by striking ''Administration personnel involved in granting'' and inserting ''personnel of the Administration involved in making''; and

(II) by striking ''and'' at the end;

(iv) in subparagraph (E)—

(I) by striking ''small businesses' needs'' and inserting ''the needs of small business concerns''; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;''; and

(vi) by striking ''small businesses'' each place that term appears and inserting ''small business concerns''; and

(L) by adding at the end the following:

''(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

''(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

''(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator''; and

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

''(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

''(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(5) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking ''(g) The Office'' and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

''(i) EXPORT AND TRADE COUNSELING.—

''(1) DEFINITION.—In this subsection—

''(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

''(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

''(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

''(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

''(A) 5; or

''(B) 10 percent of the total number of employees of the lead small business development center.

''(4) REIMBURSEMENT FOR CERTIFICATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

''(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed $350,000 in any fiscal year.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

''(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

''(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

''(A) section 7(a)(16);

''(B) the Export Working Capital Program established under section 7(a)(14);

''(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

''(D) the export express program established under section 7(a)(34).

''(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.''.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

''(k) EXPORT ASSISTANCE CENTERS.—

''(1) EXPORT FINANCE SPECIALISTS.—

''(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

''(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

''(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

''(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

''(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

''(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(l) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(3) the term 'export finance specialist' means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

''(4) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term ''export finance specialist'' has the meaning given that term in section 22(l) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000), of which not more than $4,000,000''.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (D), and (E)'';

(B) in subparagraph (D), by striking ''Notwithstanding subparagraph (A), in'' and inserting ''In''; and

(C) by adding at the end the following:

''(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(35) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

''(F) LIST OF EXPORT FINANCE LENDERS.—

''(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

''(I) this paragraph;

''(II) paragraph (14); or

''(III) paragraph (34).

''(ii) AVAILABILITY OF LIST.—The Administrator shall—

''(I) post the list published under clause (i) on the website of the Administration; and

''(II) make the list published under clause (i) available, upon request, at each district office of the Administration.''.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible small business concern'' means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term ''program'' means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term ''socially and economically disadvantaged small business concern'' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(h) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small

Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $30,000,000 for each of fiscal years 2011, 2012, and 2013.

(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking ''(2) The Small Business Development Centers'' and inserting the following:

''(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

''(A) INFORMATION AND SERVICES.—The small business development centers''; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting ''(including State trade agencies),'' after ''local agencies''; and

(B) by adding at the end the following:

''(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

''(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

''(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

''(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22.''.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:

''(v) MULTIPLE AWARD CONTRACT.—In this Act, the term 'multiple award contract' means—

''(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.''.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

''(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

''(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

''(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

''(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

''(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

''(B) explain why the Administration selected the areas identified under subparagraph (A); and

''(C) describe the activities performed by procurement center representatives and commercial market representatives.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place it appears and inserting ''Administrator for Federal Procurement Policy''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) REPORT.—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

''(2) the term 'consolidation of contract requirements', with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

''(3) the term 'senior procurement executive' means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than $2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

''(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

''(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

''(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

''(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

''(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.

''(4) DEPARTMENT OF DEFENSE.—

''(A) IN GENERAL.—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

''(B) RULE.—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

''(C) DATE.—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2382(b)(1) of title 10, United States Code, is amended by striking ''An official'' and inserting ''Subject to section 44(c)(4), an official''.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Pilot Program'' means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term ''eligible organization'' means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) REPORT.—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) TERMINATION.—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subsection (c) $5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

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

(3) by adding at the end, the following:

''(G) a representation that the offeror or bidder will—

''(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

''(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).''.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) MULTIPLE AWARD CONTRACTS.—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

''(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as ''micro-purchases''), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''Goals established'' and inserting the following:

''(B) Goals established'';

(3) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(4) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(5) by striking ''The head of each Federal agency, in attempting to attain such participation'' and inserting the following:

''(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)''.

(6) in subparagraph (E), as so designated—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

''(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(12) PAYMENT OF SUBCONTRACTORS.—

''(A) DEFINITION.—In this paragraph, the term 'covered contract' means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

''(B) NOTICE.—

''(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

''(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

''(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

''(D) CONTROL OF FUNDS.—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

''(E) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

''(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

''(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.''.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

''(w) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

''(x) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.''.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

''(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.''.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than ⅓ of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protege relationship, or similar affiliation, promotes real gain to the protege, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protege businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking ''submit them'' and all that follows through ''the following:'' and inserting ''submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:''.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding any other provision of law—'';

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''a contracting'' and inserting ''SOLE SOURCE CONTRACTS.—A contracting''; and

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

(3) in subparagraph (B)—

(A) by striking ''a contract opportunity shall'' and inserting ''RESTRICTED COMPETITION.—A contract opportunity may''; and

(B) by striking ''; and'' and inserting a period; and

(4) in subparagraph (C), by striking ''not later'' and inserting ''APPEALS.—Not later''.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

''(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.''.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking ''INTERMEDIARY CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''INTERMEDIARY CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking ''CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking ''Subject to paragraph (5), as'' and inserting ''As''; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than $325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

''(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.''.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''succinct'';

(2) in paragraph (2), by striking ''summary'' each place it appears and inserting ''statement'';

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;''.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

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

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

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, $150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION'', of which—

(1) $50,000,000 is for grants to small business development centers authorized under section 1402;

(2) $1,000,000 is for the costs of administering grants authorized under section 1402;

(3) $30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) $30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) $2,500,000 is for the costs of administering grants authorized under section 1207;

(6) $5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) $5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION''—

(1) $8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) $8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) $6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION''; and

(4) $15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term ''cost'' has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT'' under the heading ''DEPARTMENT OF THE TREASURY'', $13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term ''cost'' has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Creating Small Business Jobs Act of 2010''.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(B) paragraph (2) shall not apply, and

''(C) paragraph (7) of section 57(a) shall not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''CERTAIN PERIODS IN'' before ''2010'' in the heading, and

(2) by striking ''before January 1, 2011'' and inserting ''on or before the date of the enactment of the Creating Small Business Jobs Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

''(i) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(ii) paragraph (2) shall be applied—

''(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or the eligible small business credits'' after ''credit)''.

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

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

''(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year—

''(i) a corporation the stock of which is not publicly traded,

''(ii) a partnership, or

''(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed $50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.''.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking ''38(c)(3)(B)'' and inserting ''38(c)(6)(B)''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting ''the eligible small business credits,'' after ''the New York Liberty Zone business employee credit,''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting '', the eligible small business credits,'' after ''the New York Liberty Zone business employee credit''.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting ''the eligible small business credits and'' before ''the specified credits''.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

''(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

''(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''shall not exceed'' and all that follows in paragraph (1) and inserting ''shall not exceed—

''(A) $250,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $500,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $25,000 in the case of taxable years beginning after 2011.'', and

(2) by striking ''exceeds'' and all that follows in paragraph (2) and inserting ''exceeds—

''(A) $800,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $2,000,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $200,000 in the case of taxable years beginning after 2011.''.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

''(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term 'section 179 property' shall include any qualified real property which is—

''(A) of a character subject to an allowance for depreciation,

''(B) acquired by purchase for use in the active conduct of a trade or business, and

''(C) not described in the last sentence of subsection (d)(1).

''(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term 'qualified real property' means—

''(A) qualified leasehold improvement property described in section 168(e)(6),

''(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

''(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

''(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than $250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

''(4) CARRYOVER LIMITATION.—

''(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

''(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

''(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer's last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer's last taxable year beginning in 2011.

''(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

''(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

''(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.''.

(c) REVOCABILITY OF ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking ''2011'' and inserting ''2012''.

(d) COMPUTER SOFTWARE TREATED AS 179 PROPERTY.—Clause (ii) of section 179(d)(1)(A) is amended by striking ''2011'' and inserting ''2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) EXTENSIONS.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subparagraph (A)(iv) and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof.''.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.—

''(A) IN GENERAL.—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

''(B) QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'qualified property' means property described in section 168(k)(2) which—

''(i) has a recovery period of 7 years or less, and

''(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) START-UP EXPENDITURES.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$10,000' for '$5,000', and

''(B) by substituting '$60,000' for '$50,000'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of the United States Trade Representative $5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting ''for taxable years beginning before January 1, 2010, or after December 31, 2010'' before the period.

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

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding ''and'' at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

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

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(B) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(C) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) of such Code is amended by striking ''such taxable year'' and inserting ''such calendar year''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

''(a) IMPOSITION OF PENALTY.—

''(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of $100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $1,500,000.

''(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

''(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

''(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

''(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

''(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

''(A) the penalty imposed by subsection (a) shall be $30 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed $250,000.

''(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

''(A) the penalty imposed by subsection (a) shall be $60 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed $500,000.

''(c) EXCEPTION FOR DE MINIMIS FAILURES.—

''(1) IN GENERAL.—If—

''(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

''(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

''(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs, for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

''(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

''(A) 10, or

''(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

''(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

''(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

''(A) subsection (a)(1) shall be applied by substituting '$500,000' for '$1,500,000',

''(B) subsection (b)(1)(B) shall be applied by substituting '$75,000' for '$250,000', and

''(C) subsection (b)(2)(B) shall be applied by substituting '$200,000' for '$500,000'.

''(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

''(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

''(1) subsections (b), (c), and (d) shall not apply,

''(2) the penalty imposed under subsection (a)(1) shall be $250, or, if greater—

''(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

''(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

''(3) in the case of any penalty determined under paragraph (2)—

''(A) the $1,500,000 limitation under subsection (a) shall not apply, and

''(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) the Secretary has served a Federal contractor levy,''.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes ''any levy in connection with the collection'' and inserting the following:

''(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

''(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is''; and

(2) by adding at the end the following new paragraph:

''(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.''.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''JEOPARDY AND STATE REFUND COLLECTION'' and inserting ''EXCEPTIONS''.

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

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) COORDINATION WITH LIMIT.—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

''(D) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

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

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) IN GENERAL.—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) GENERAL RULES FOR ANNUITIES.—

''(1) INCOME INCLUSION.—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

''(2) PARTIAL ANNUITIZATION.—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

''(A) such portion shall be treated as a separate contract for purposes of this section,

''(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

''(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts received for the provision of guarantees of indebtedness''.

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

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. 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 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

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

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

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

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

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

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency''—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

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

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

(4) FEDERAL CONTRIBUTION.—The term ''Federal contribution'' means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(6) PARTICIPATING STATE.—The term ''participating State'' means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term ''Program'' means the State Small Business Credit Initiative established under this title.

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

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

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

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

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

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

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

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

(10) STATE.—The term ''State'' means—

(A) a State of the United States;

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

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

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) STATE CAPITAL ACCESS PROGRAM.—The term ''State capital access program'' means a program of a State that—

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

(B) meets the eligibility criteria in section 3005(c).

(12) STATE OTHER CREDIT SUPPORT PROGRAM.—The term ''State other credit support program''—

(A) means a program of a State that—

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

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

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) STATE PROGRAM.—The term ''State program'' means a State capital access program or a State other credit support program.

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

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

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

(b) ALLOCATION FORMULA.—

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

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

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

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

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

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

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

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

(3) 2010 ALLOCATION FORMULA.—

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

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

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

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

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

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State's allocated amount into thirds;

(ii) transfer to the participating State the first ⅓ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive ⅓ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred ⅓ for Federal contributions to, or for the account of, State programs.

(B) AUTHORITY TO WITHHOLD PENDING AUDIT.—The Secretary may withhold the transfer of any successive ⅓ pending results of a financial audit.

(C) INSPECTOR GENERAL AUDITS.—

(i) IN GENERAL.—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of allocated Federal funds transferred to the State.

(ii) RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

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

(iv) MUNICIPALITIES.—In this subparagraph, the term ''participating State'' shall include a municipality given special permission to participate in the Program, under section 3004(d).

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

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

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

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

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

(C) in the case of the first ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first ⅓; or

(D) in the case of each successive ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive ⅓.

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

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

(6) DEFINITIONS.—In this section—

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

(B) the term ''⅓'' means—

(i) in the case of the first ⅓ and second ⅓, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last ⅓, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

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

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

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

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

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

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

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

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

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

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

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

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

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

(d) SPECIAL PERMISSION.—

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

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

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

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

(5) ALLOCATION TO MUNICIPALITIES.—

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

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

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

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

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

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

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

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

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) LOAN PURPOSE.—

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

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

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

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

(III) the borrower is not—

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

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

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

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

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

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

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

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

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

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

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

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

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

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

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

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

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

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

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

(4) uses Federal funds allocated under this title to extend credit support that—

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

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

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

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

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

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

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

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

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

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

(2) The total amount of such new loans.

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

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

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

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

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

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

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

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

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

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

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

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

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

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

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

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

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

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

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

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

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

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

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

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

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

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

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

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

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 4101. PURPOSE.

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

SEC. 4102. DEFINITIONS.

For purposes of this subtitle:

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

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

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

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

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

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

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

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

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

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

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

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

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

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

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

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

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

(C) had assets less than or equal to $10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

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

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

(11) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means—

(A) any insured depository institution, which—

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

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

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

(B) any bank holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets of equal to or less than $10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) FUND.—The term ''Fund'' means the Small Business Lending Fund established under section 4103(a)(1).

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

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

(15) PROGRAM.—The term ''Program'' means the Small Business Lending Fund Program authorized under section 4103(a)(2).

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

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(18) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term ''small business lending'' means lending, as defined by and reported in an eligible institutions' quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) EXCLUSION.—No loan that has an original amount greater than $10,000,000 or that goes to a business with more than $50,000,000 in revenues shall be included in the measure.

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

(19) VETERAN-OWNED BUSINESS.—

(A) The term ''veteran-owned business'' means a business—

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

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

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

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

SEC. 4103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

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

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

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term ''other financial instruments'' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

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

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

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 4108, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

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

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

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

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term ''control'' with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term ''control'' with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

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

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

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

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

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

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

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

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

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

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

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

(5) INCENTIVES TO LEND.—

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

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

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution

under the Program shall be evidenced by preferred stock or other financial instrument that—

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

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

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

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

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

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) CAPITAL PURCHASE PROGRAM REFINANCE.—

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

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

(8) OUTREACH TO MINORITIES, WOMEN, AND VETERANS.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

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

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

(C) represent or work with or are veterans.

(9) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 4104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

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

SEC. 4104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

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

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

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

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

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

(5) Subject to section 4103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

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

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

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

SEC. 4105. CONSIDERATIONS.

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

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

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

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

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

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 4106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

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

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

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

SEC. 4107. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the ''Office of Small Business Lending Fund Program Oversight'' to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term ''Office'' means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term ''Inspector General'' means the Inspector General of the Department of the Treasury.

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

(d) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

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

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

SEC. 4108. CREDIT REFORM; FUNDING.

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

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

SEC. 4109. TERMINATION AND CONTINUATION OF AUTHORITIES.

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

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary under section 4104 shall not be limited by the termination date in subsection (a).

SEC. 4110. PRESERVATION OF AUTHORITY.

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

SEC. 4111. ASSURANCES.

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

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 4112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

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

SEC. 4113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 4221. SHORT TITLE.

This part may be cited as the ''Export Promotion Act of 2010''.

SEC. 4222. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.—

(1) IN GENERAL.—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4223. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4224. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4225. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) ⅓ of the total start-up costs for the project; or

(B) $500,000.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4226. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

''(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

''(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace; and

''(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.''.

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 4227. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 4228. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 4241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as ''predictive analytics technologies'') to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) REPORTING REQUIREMENTS.—

(1) FIRST IMPLEMENTATION YEAR REPORT.—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) SECOND YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) THIRD YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(f) INDEPENDENT EVALUATION AND REPORT.—

(1) EVALUATION.—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) REPORT.—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) FUNDING.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, $100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) RESERVATIONS.—

(A) INDEPENDENT EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) APPLICATION TO MEDICAID AND CHIP.—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) DEFINITIONS.—In this section:

(1) COMMONWEALTHS AND TERRITORIES.—The term ''commonwealth and territories'' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) CHIP.—The term ''CHIP'' means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) MEDICAID.—The term ''Medicaid'' means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual enrolled in the Medicare fee-for-service program.

(5) MEDICARE FEE-FOR-SERVICE PROGRAM.—The term ''Medicare fee-for-service program'' means the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) MEDICARE PROVIDER.—The term ''Medicare provider'' means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

TITLE V—BUDGETARY PROVISIONS

SEC. 5001. DETERMINATION OF 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.

MOTION TO CONCUR

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

The text of the motion is as follows:

Ms. Bean moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1640, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services, the chair and ranking minority member of the Committee on Small Business, and the chair and ranking minority member of the Committee on Ways and Means.

The gentlewoman from Illinois (Ms. BEAN), the gentleman from Texas (Mr. NEUGEBAUER), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Missouri (Mr. GRAVES), the gentleman from Michigan (Mr. LEVIN), and the gentleman from Louisiana (Mr. BOUSTANY) each will control 10 minutes.

The Chair recognizes the gentlewoman from Illinois (Ms. BEAN).

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that I substitute for the gentlewoman from Illinois on managing our 10 minutes.

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

There was no objection.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I further ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this piece of legislation.

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

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 1 minute to say that this is a bill that passed the House in May; it was over in the Senate; it was subject to a filibuster; that filibuster was broken; and the Senate has sent us back the bill. It is not everything we wanted, but it is a significant improvement and will, I think, be helpful.

No one has alleged any possible negative consequences. Some have said it might not be as helpful as we believe, but we think it will enhance the lending capacity of small banks for small businesses.

I reserve the balance of my time.

Mr. NEUGEBAUER. I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, small businesses create the majority of new jobs and their growth is America's best ticket to economic recovery. But today our small businesses are finding it difficult to keep their doors open.

Since the end of July, I have held 14 town hall meetings, two job fairs, two small business grant supermarkets and several tours of area businesses.

In just a few short months, I have had conversations with thousands of business leaders and have asked them what they need to become stable again. Not once did business leaders come to me asking for a $30 billion bank bailout. What they do want is crystal clear. They want government to get out of the way. They want Washington to quit burdening them with higher taxes, new bureaucracies and excessive regulations. They want Washington to stop throwing taxpayer money at the problem with failed spending. They want incentives so that they can have certainty in the business climate so that they can anticipate their cost, to invest wisely and start hiring again.

The most important thing for small businesses to give them certainty is extending all the tax cuts. Instead, this bill sets up a mini-TARP bailout, sending $30 billion to banks that promise to improve lending. Rather than telling businesses what they want, let's listen to what they really need.

I urge my colleagues to reject this plan and work with us to give our small business community the tax relief they need to create jobs and lead us toward an economic recovery.

Mr. FRANK of Massachusetts. I yield 3 minutes to one of the leading advocates and architects of this bill, the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Madam Speaker, I rise today in support of H.R. 5297 and urge my colleagues to support America's small businesses, our job creators, by voting ''yes'' on this bill.

Some Members of Congress frequently talk about the importance of small businesses to our communities and our economy, yet fail to actually vote for pro-business legislation that comes before them on this House floor. Today they have the chance to act, to do something that truly provides real and immediate assistance to small business owners.

The Small Business Jobs Act is one of the most important bills this year to support our economic recovery. During the small business Federal resource seminars that I hold in my district, community business owners have told me again and again that lack of access to affordable credit remains their greatest obstacle to business recovery, expansion and diversification.

This critical and timely bill will help bridge that gap. Today's legislation builds on the successful provisions in the Recovery Act that helped revive small business lending and secondary credit markets. This bill provides increased SBA loan guarantees and reduced fees; and $12 billion in small business tax cuts like the net operating loss carryback, enhanced section 179 expense provisions and bonus depreciation, and eliminates capital gains taxes for small business investments.

Also included is a provision I authored to allow commercial real estate refinancing in the SBA 504 program. This will help business owners with performing loans stay in their business properties that would otherwise be ineligible for refinancing due to falling values.

I would now like to ask the gentleman from Massachusetts to engage in a short colloquy to clarify the capital treatment of small business lending fund investments.

Over the last few months, hearings in the Financial Services Committee and many meetings that Members have had with constituents have clearly demonstrated that this kind of legislation is being called for by a broad spectrum of American small businesses and small lenders. One of the main components of the bill is the small business loan fund.

Up to $30 billion in capital to small banks can be leveraged to $300 billion in loans to small businesses, our job creators, by making money for the government over 10 years. Community banks that participate in the small business lending fund will be able to support many multiples of that amount in new lending. To allow that to occur, it has always been our intent and understanding that the bank regulators should treat small business lending fund investments in all eligible institutions—community banks, thrifts and holding companies—as tier 1 capital, in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions and in consideration of the strong public interest in promoting lending to small businesses.

It is my understanding that these investments are meant to be counted as tier 1 capital. Mr. Chairman, is that correct?

I yield to the chairman.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

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

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

Yes, the gentlewoman is exactly correct. It is intended that this be treated as tier 1 capital in a way that is consistent with other capital securities issued to Treasury.

Ms. BEAN. Mr. Chairman, it is also my understanding that you and committee staff have been in discussion with Treasury and regulators since this bill was in our committee about the intent that these investments can be counted as tier 1 capital in a manner consistent with that accorded to other capital securities issued to Treasury and that Treasury and the regulators understand Congress' intent and have noted that they have the appropriate authority to do so under the bill.

Mr. FRANK of Massachusetts. The gentlewoman is correct.

Ms. BEAN. Thank you, Chairman FRANK, for all your hard work on this important bill. With access to tier 1 capital, community banks that participate in this program will be able to provide small businesses with the credit they need to grow and hire.

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Mr. NEUGEBAUER. It is my honor and privilege to yield 3 minutes to the gentleman from Texas, the ranking member of the Financial Institutions Subcommittee, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, another day, another opportunity to borrow $30 billion, much of it from the Chinese, and send the bill to our children and our grandchildren. Again, Madam Speaker, the American people are asking, what part of ''broke'' doesn't Congress understand? They don't get it.

Now, I know my friends on the other side of the aisle say, ''Well, no, wait a second. This will actually reduce the deficit.'' Well, what it does, Madam Speaker, is it pairs temporary tax credits with permanent tax increases; again, some of that Washington accounting nonsense that has somehow put this Nation on the road to bankruptcy, that has brought us the first back-to-back trillion dollar-plus deficits in the history of our Nation, the kind of accounting that now provides us with the single largest debt in America's history.

In fact, if you read the legislation, Madam Speaker, it has what is known as directed scoring. Under H.R. 5297, CBO is to determine the cost of this bill under credit reform without any adjustment for the market risk. In fact, CBO goes on to say that cost estimates made under FCRA do not provide a comprehensive measure of the cost to the taxpayers.

Madam Speaker, again, when all is said and done, I predict the American taxpayer yet again will be called upon to borrow more money, much of it from the Chinese, and send the bill to our children and our grandchildren.

Now, I know that the authors of this bill have called it SBLF, but to many of us it reads like T-A-R-P. This is TARP pure and simple. It is the capital purchase program under a different name. I will admit they have added an incentive to lend; but again, to lend to whom? Whatever this bill does theoretically to help small business, they take it away. They take it away, Madam Speaker, with the cost and uncertainty of their health care bill. They take it away with the cost and uncertainty of their financial regulatory bill. They take it away with the cost and the uncertainty that is threatened through the national energy tax that is known as cap-and-trade, and certainly from the national debt that all small business people sooner or later are going to be called upon to pay.

So whatever pennies they are trying to drop into the small business coffer today, they are going to take away dollars and dollars and dollars, which is one of the reasons, Madam Speaker, under this President and this Congress, we continue to be mired in almost double-digit unemployment 16 months in a row—worst in a generation—with no hope in sight. And this, again, is more of the same—more spending, more TARP, more of the failed policies that have brought us the unemployment and misery that we see today.

If you want to help small business, the first thing you can do is to ensure that you do not increase their taxes by increasing the marginal income tax rate on the top two brackets, which is already being threatened by the Speaker today, which we know in the Joint Committee on Taxation says half of all small business income would be hit by that tax increase.

Reject this bill.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Madam Speaker, back in May I filed an amendment in committee hoping that I could work with the administration between then and now, floor consideration, to develop a meaningful way for community development loan funds to participate

in this legislative proposal. I want to take this opportunity to boast about it being included in this final version and discuss the urgent need to assist community development loan funds, who have been left behind in too many programs, that help small business and institutions.

Since its inception, the Treasury's CDFI fund has certified over 1,200 CDFIs in banks, credit unions, loan funds, and venture capital funds. CDFI banks, credit unions, and loan funds have been historically well managed. It is without a doubt that CDFIs are critical to the development of minority and underserved populations, especially nonprofit loan funds that have traditionally served the more economically and racially diverse communities. Seventy percent of CDFI recipients are low income, and over 50 percent are minority and majority female. Furthermore, microlending and small business lending represent 45 percent of CDFI loans.

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

Mr. FRANK of Massachusetts. I yield the gentleman 30 additional seconds.

Mr. CLEAVER. I commend the administration's and Mr. FRANK's leadership in recent proposals to increase CDFI fund investments and the launch of two new initiatives within the CDFI program to improve the health and economic viability of low-income communities. However, nonprofit loan funds that serve credit-starved communities were left out of many of these initiatives. This bill was my attempt to right that wrong.

I look forward to working together to ensure that nonprofit community development loan funds are provided an adequate opportunity to participate.

Mr. NEUGEBAUER. Madam Speaker, may I inquire as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Texas has 5½ minutes remaining. The gentleman from Massachusetts has 4 minutes remaining.

Mr. FRANK of Massachusetts. Madam Speaker, let me inform my colleague that I intend to close with my remaining 4 minutes, and I'm my last speaker. I will close; so I reserve the last 4 minutes to close.

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

Just last month, in the month of August, I traveled around the 19th Congressional District. I had nine town hall meetings. But more importantly, I had numerous meetings with small businesses and with larger businesses in my district and with banks, both large and small, about this issue of getting America back to work and getting small businesses back to creating jobs again, and one of the things I heard over and over again was the word ''uncertainty.''

They said, Congressman, there is too much uncertainty about what the future looks like in this country.

I heard small businesses say, We don't know what this new health care plan is going to mean or cost to our business. Congressman, we don't know what the tax environment is going to be in this country because Congress hasn't done anything to keep the largest tax increase in the history of our country from unfolding. Congressman, we don't know how to deal with all these new regulations that are coming out of all of these agencies where EPA is trying to circumvent Congress and regulate greenhouses. And, Congressman, we don't know what to think about a country that keeps spending and borrowing and spending and borrowing to the point where now every day every dollar we spend we borrow 42 cents.

So I heard that from the businesses. And what I heard them say is, We are holding on to the employees we've got. We've tried not to lay off anybody. And we could probably buy some new machinery, or we could probably put some more people on, but there's too much uncertainty. We are just going to sit on the sidelines.

Also I heard, when we had the debate on this bill previously, the other side talking about the lack of credit availability to a lot of small businesses, and so I went to see my friends in the banking business. And I went to say to them, Why aren't you lending money? And they said, Congressman, we've got lots of money to loan. Our bank has the strongest capital it's had in a long time. We have money to lend. They said, The good customers that we would like to lend money to don't want to borrow money because of the uncertainty that's going on in this country right now.

I said, Well, let me make sure I understand this. You're saying you have the money to loan, but people don't want to borrow it because they are concerned about the future of this country and what the environment, business environment is going to be? And they said, That is exactly right.

And so what is so interesting about this is this is another one of the majority's failed attempts to recycle a program that didn't create any jobs the first round. TARP I, TARP II, all of the stimulus, all of these massive amounts of future generations' economic opportunity thrown at this economy and no jobs have been created. In fact, we have almost got 15 million people in this country that are unemployed today. And since we've done all these programs, we've lost almost 2½ million jobs.

What the small businesses need in this country is certainty and not another bailout program. This bill raises taxes. It gives some temporary tax relief, as my friend from Texas said, but it also—and I don't know what part of the fact that the small businesses are concerned about this 1099 thing, now we've got the 1099 in the health care bill. Now we've got the 1099 on rental expenses in this bill making it more onerous, creating more uncertainty, more lessening the opportunity and the motivation for small businesses to expand and to create jobs in this country.

In fact, yesterday Secretary Geithner appeared in one of our committees. He said banks have plenty of money to lend. That's Secretary Geithner. We had the Independent Community Bankers say that banks have plenty of liquidity, plenty of money to lend. It's a matter of getting quality demand back.

Another comment was from our folks at NFIB. They said that the primary problem facing small business owners right now in terms of job creation is not access to credit.

□ 1350

This is the group of people that represents small businesses in this country. It is a lack of sales, customers, and confidence. Small business owners are unlikely to invest in hiring or expanding their businesses when their sales and profits remain weak.

If the majority is serious, and we are wondering if they are serious, about getting America back working, getting America back to the vibrant economy that it had, let's do something serious about that and not put the American taxpayers—we are going to go borrow $30 billion for this. And we are going to have to borrow the whole $30 billion because somewhere in the middle of last month, everything the Treasury spends from that point going forward is borrowed money. We are headed to a $1.3 trillion deficit this year.

So we are going to go borrow $30 billion to put into a program that the banking industry and NFIB and all of these people say really isn't what the economy needs. What the economy needs is certainty: certainty in taxes, certainty in regulatory environment, and certainty that this Congress is going to quit borrowing and spending money that it doesn't have.

So I urge my colleagues to vote ''no'' on this bill. Let's vote for something that really matters and really gets America back to work.

I yield back the balance of my time.

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

First, this bill deals with the particular needs of minority women and veteran-owned small businesses. I want to point out that we have had hearings documenting the barriers and the discrimination that face small businesses that are owned by minority women or service-disabled veterans. There were hearings on this. There is evidence that they have a harder time and get less value for their loans. I want to make clear that we have looked at that, and our inclusion of provisions for that is based on our evidence.

Secondly, I have to say that my colleague from Texas is to be congratulated on his selectivity. He manages to do more partial quoting of people's positions than I get on my cell phone in a bad reception area.

For example, he talked about the Independent Community Bankers. You might have had a hard time, listening to the gentleman from Texas, figuring out that they wrote us a letter dated September 22. Maybe they changed their mind overnight and talked to the gentleman from Texas, but I am skeptical. In the letter they say this bill: ''. . . is a bold, fresh proposal that would provide another option for community banks to leverage capital and expand small business credit.''

The Independent Community Bankers, whom he sought to quote denigrating this bill, are very much in favor of this bill.

The National Association of Home Builders likes the concept, although they were upset with one of the things that the Senate left out.

The Financial Services Roundtable—and here is the problem when taking a partisan stance: You have to overargue your case. If you listen to the gentleman from Texas, there are no small businesses anywhere that would like to get a loan but can't find it from their bank. Now no one, including the gentleman from Texas, believes that is true.

I have to say that my advice to my colleagues is, even in the heat of a political debate, try to refrain from saying something that no one will believe because it is not helpful to your argument.

Yes, there are cases where there are banks that have enough capital. There are cases where there are companies that are afraid to lend. But what the gentleman has said goes far beyond that: There are no significant number of small businesses in America that are encountering problems because there are banks that don't have enough capital. No one believes that.

Now here is the problem. We have people who do not want to see anything get better. The gentleman from Texas (Mr. HENSARLING), I will credit him because he didn't talk much about this bill. He complained about a lot of other bills. I understand that. He, I think, quite honestly realized there was not a lot of bad things to say about this bill. The worst they can say about this bill is it might not be used as much as we think. I disagree. In this vast economy, $30 billion is not a huge amount of money from the standpoint of the small business borrowers.

Now, this bill is not what I would like it to be. The gentlewoman from New York (Ms. VELÁZQUEZ), the chair of the Small Business Committee, improved this bill significantly in the House. And this is not as good a bill as it came back from the Senate as it was before. I am going to be working with her. I intend to vote for this bill to give the Senate another chance. I don't like to give up on people or institutions. I believe in redemption, and we will give the Senate a chance to get it right.

But let's be clear. The Independent Community Bankers are for this. Other small businesses are for this. The argument that no small business anywhere in America has capital that they need and can put to use and can't find a bank, that simply isn't valid.

On uncertainty, I understand the problem of uncertainty in taxation. You know what the uncertainty is? What's going to happen to the Bush tax cuts. And whose fault is that uncertainty? President Bush and his Republican allies, who passed a manipulative, book-cooking tax cut that they said would last 10 years. I didn't say that it should last for 10 years and then expire. I didn't say that the estate tax should be a dipsy-doodle that went up and down and up and around. That is what the Republicans did because they were trying to hide from the American people the full budgetary impact of their taxes.

Let's pass this bill, do what we can for small businesses, and go on to other work.

INDEPENDENT COMMUNITY BANKERS OF AMERICA®,
Washington, DC, September 22, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the nearly 5,000 members of the Independent Community Bankers of America, I write to express our strong support for the Small Business Jobs Act (H.R. 5297), and its core component, the Small Business Lending Fund (SBLF). The SBLF passed the House in June, and we now look forward to the final House passage of HR 5297.

ICBA believes that the SBLF will spur the flow of additional small business credit. Additionally, the legislation's Small Business Administration loan program incentives will allow community banks to further expand lending to deserving small business borrowers. In order for the SBLF to reach its full potential, Congress has specifically pressed for Tier 1 capital treatment of SBLF funds for all recipient institutions. Tier 1 treatment will allow the funds to be leveraged to provide as much as $300 billion of new small business credit. Treasury and the bank regulators must quickly implement this program as intended by Congress.

The nation's nearly 8,000 community banks are prolific small business lenders with the community contacts and underwriting expertise to get credit flowing to the small business sector. The SBLF is a bold, fresh proposal that would provide another option for community banks to leverage capital and expand small business credit.

Thank you for your consideration.

Sincerely,

CAMDEN R. FINE,
President and CEO.

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

Madam Speaker, small businesses have always been a critical component of the U.S. economy, and that is not different today. Generating nearly two-thirds of net new jobs over the past 15 years, they are not only the primary catalyst for employment growth but also for our Nation's underlying prosperity. Through the years, we have relied on our strong culture of entrepreneurship and innovation to renew us and make us stronger.

Today, small firms face different challenges than in the past. As a result, there will be different solutions. The policies that we adopt today must be carefully crafted to meet entrepreneurs's current needs. Unfortunately, the legislation we are considering today do not provide the protections that we need to make sure that small businesses have access to affordable capital.

We have seen the power of small businesses to pull us forward before. During the recession of the early 1990s, small businesses provided an economic lifeboat and created approximately 3.8 million jobs. This fueled the recovery then, while also planting the seeds for growth later in that decade. Back them it was the dot-coms and the Internet revolution at the forefront of the recovery. Today, we see entrepreneurs embracing green technologies and alternative energy. Small firms are fabricating solar panels, developing fuel cells, and researching innovations in building materials. These green firms add $933 billion to the economy each year and employ more than 11 million workers. By 2030, the number is expected to reach 40 million employees, or 25 percent of the American workforce.

In the next decade, this will be the foundation for growth and job creation. Once again, it will be small firms leading the way.

While these cutting-edge firms are critical to the future, we also must recognize the importance of established firms. These local businesses, the mom and pops and the local storefronts, provide employment to millions of individuals and anchor our communities. For many, the economic recovery that has begun in recent months is long overdue.

Now, more than ever, we need to make sure that the environment is conducive to the success of both new and established businesses. For some, this means reducing the regulatory burden or providing tax relief. For others, it requires greater access to affordable capital or entrepreneurial assistance. Most important, we must get this mix right and avoid enacting policies that do not meet entrepreneurs' needs.

Whatever policies we choose, whether it be the legislation under consideration today or future proposals, it is crucial that we continue to embrace the power of our Nation's small businesses. Doing so will create badly needed jobs in the short term, while laying the framework for a long-term, sustainable period of growth.

I yield back the balance of my time.

□ 1400

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

Madam Speaker, I rise today in opposition to the amended version of H.R. 5297, the misleadingly named Small Business Jobs and Credit Act. We have

again missed an opportunity to help small businesses around the country that are in desperate need of less regulation and of more certainty about the future. This legislation has three basic parts:

It has a $30 billion government bailout provision with no guarantee that the funds are actually going to go to entrepreneurs;

Another part is it has a slew of major changes to the Small Business Administration programs that actually discourage job creation;

Third—and this is the one that amazes me the most—it has a tax component that combines some very limited small business benefits with even bigger penalties on the dreaded 1099 reporting mandate in the health care law.

To better explain that last part, during the month of August, when I went around and listened to small businesses and to some of the problems that they are having, one of the biggest complaints I heard about was this 1099 reporting for small business with any purchase of over $600 or more. In this bill, it increases the penalties on reporting for that. So it was just amazing to me that this was actually included in this.

As the ranking member of the Small Business Committee and as a small business owner myself, I have spent months talking to entrepreneurs and examining their ideas on what Washington can do to encourage a stable recovery. I can tell you right now that this legislation is not what they want. It is not what they need to create and grow their businesses.

Small business owners aren't looking for more government intervention and more wasteful spending. They are looking for some certainty. Small business owners are looking for a commitment from Washington leaders that their taxes are going to stay the same. They need a commitment that they won't be bombarded with more job-killing regulations. Most of all, they need to feel confident that they can hire new workers and can invest in their businesses without the fear that next week, next month or even next year, Washington is going to turn its back on them.

Instead of creating jobs like my colleagues on the other side of the aisle are promising, all this so-called ''small business bill'' will do is create disappointment. In fact, this bill actually removes a very critical job creation requirement from one of the SBA lending programs. The truth of the matter is that this is just another bailout bill that will generate billions of dollars for financiers and not one penny for workers.

If we are serious about creating jobs and about encouraging small business expansion, we must work together to develop fiscally responsible policies that work for small businesses and families. I urge my colleagues and other Members to vote against this legislation. Instead, join me in implementing a better solution that will help small businesses without imposing more debt and regulations.

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

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

Madam Speaker, not much time needs to be consumed to make clear what is happening here. Many on the minority side rise in opposition. Why? Essentially, it is this:

Oppose any bill that helps the Nation, because it helps the President and this Congress achieve something for the Nation. Oppose it even if it helps small business, as this bill will. Oppose it even if it creates jobs, the key to this bill. Oppose it even if the pay-fors primarily were developed on a bipartisan basis. Find some flimsy excuse to oppose it.

I will read the last sentence from the Chamber of Commerce letter:

''Ninety-six percent of the Chamber's members are small businesses with fewer than 100 employees. On behalf of these small businesses, the Chamber urges you to support H.R. 5297 and strongly encourages Congress to address the issues of broad economic importance to the small business community.''

So you're trying to find some fig leaf. So far, they've all been transparent. To come here and to try to march with your message, even when it doesn't apply, doesn't serve you well. It doesn't serve this Congress well. It surely doesn't serve small businesses well, and it doesn't serve well our Nation.

I reserve the balance of my time.

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

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

Mr. BOUSTANY. I rise in opposition to H.R. 5297.

Madam Speaker, we have heard a lot today about the centerpiece of this bill—the highly controversial $30 billion small business lending fund, a provision sometimes referred to as TARP III. That provision is certainly of major concern to me, and it is reason enough to vote against this bill, though I want to focus my remarks on aspects of the bill that are within the Ways and Means Committee's jurisdiction.

This legislation includes approximately $12 billion in small business tax provisions, including a number of items that Republicans have long supported. For example, there is widespread, bipartisan support for expanded business expensing and for the extension of bonus depreciation as ways to encourage additional capital investments.

In addition, this bill includes a provision originally authored by our colleague from Texas (Mr. SAM JOHNSON) that would eliminate the outdated requirement that employees keep extensive records documenting their personal use of their employer-provided cell phones so they can include the value of that benefit in their incomes.

It also includes a provision that I have been working on with Chairman LEWIS of the Oversight Subcommittee that would reduce penalties on small businesses that unintentionally violate certain disclosure rules under section 6707(a) of the Tax Code. Republicans don't object to these provisions. In fact, we think they should have been enacted months ago.

The tax portion of this bill also contains a highly troubling provision that would essentially double down on a particularly flawed element of the majority's new health care law. It is the requirement that small businesses file form 1099 with the IRS for every business and individual to which they make total payments of more than $600 each a year. We already know that this highly confusing and burdensome information-reporting regime, which could cause the number of required tax forms to quintuple, will drive up the cost for small businesses across the country. It is clear that this added expense will mean that employers will have less money to hire new workers and to retain existing ones.

Instead of working with Republicans to repeal these onerous new 1099 reporting requirements, the majority is now actually seeking in today's bill to substantially increase the penalties for failure to comply with them. Although proposals to increase the penalties for failure to file correct information returns have not always been particularly controversial, these penalties now apply to a much larger universe of transactions because of the majority's new health law. Because those new requirements are so confusing and burdensome, especially for small businesses that are already struggling to meet payroll, increasing the penalties for what could be inadvertent mistakes seems especially unfair.

To add insult to injury, the legislation before us would also expand the types of transactions subject to 1099 reporting requirements even further. The bill would generally require that a recipient of rental real estate income file an information return on his rental property's expense payment as well. For example, an individual who rents out even a single condo unit would generally be required to file a 1099 for his purchase from Home Depot or other corporate establishments if he buys more than $600 in supplies from them over the course of the year.

This new requirement, which would raise more than $2.5 billion over 10 years, could prove to be every bit as burdensome for owners of small rental real estate holdings as the health law's 1099 requirements are for small businesses, especially considering the increases in penalties I mentioned a moment ago.

□ 1410

But let me close by making a broader point. The majority boasts about how much this bill's tax provisions like increased expensing and extending bonus

depreciation will help small businesses—and let me be clear. Those are proposals that Republicans continue to support. But any tax benefits provided by this bill at the margins will pale in comparison to the enormous tax increase the majority has in store for every taxpaying small business at the end of this year.

By failing to extend the critical tax relief that is scheduled to expire at the end of 2010, the majority will impose a $3.8 trillion tax hike on American taxpayers—including every small business in America that pays income taxes—over the next 10 years. Especially with unemployment continuing to hover near 10 percent and economic growth very sluggish, that is a terrible idea for small businesses. It's a terrible idea for the economy, and it's a terrible idea for job creation.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my chairman, Chairman LEVIN, for yielding.

Madam Speaker, this week on the news we heard economists declare that the recession ended sometime last year. But while Wall Street may celebrate, in Atlanta and many other cities there is a different story. Small businesses from Peachtree to Cascade and from Moreland Avenue to Clairmont Road continue to struggle. People are still suffering. With this bill, we give them the support they badly need.

Enough with politics and enough with the posturing. Small businesses need access to capital, and they need it now. They need it right now. They need tax relief, and they need it now.

I urge all of my colleagues to vote ''yes'' and pass this bill. It is the right thing to do, and we must do it and do it now.

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

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 1 minute to the gentleman from Massachusetts, a member of our committee, Mr. NEAL.

Mr. NEAL. I thank the gentleman.

Madam Speaker, I stand in support of this small business jobs bill. There is no cute title for this bill. It's simply about small businesses and jobs. It injects funding into small businesses in two ways.

First it does through the creation of a $30 billion lending fund for community banks. Many have complained that while community banks have money, they aren't positioned to lend. This fund makes favorable repayment rates contingent upon lending to small business.

Second, the bill provides $12 billion in enhanced tax benefits for small businesses, which will encourage hiring and investment. It will allow small businesses to carry back the general business credits for 5 years, and they will provide cash in hand today rather than sitting on the credits that they eventually cannot claim. All of this will allow small businesses which may be on the fence about committing new funds, new investments, upgrades in equipment, or retaining or rehiring workers to spend the funds necessary to get back to work.

This is a very decent, reasonable piece of legislation. We ought to embrace it. It will have ripple effects throughout our economy.

Mr. BOUSTANY. Madam Speaker, I mentioned earlier the small business provisions that we do agree upon, but we think that these are going to be outweighed by the onerous 1099 provision that is in the health law, and the impact on businesses is going to be terrible.

I want to just mention something here. The IRS's own National Taxpayer Advocate highlighted several problems with this particular 1099 reporting requirement. ''The new reporting burden, particularly as it falls on small businesses, may turn out to be as disproportionate as compared with any resulting improvements in tax compliance. Small businesses may have to pay for additional accounting services, incurring additional costs. In our view, it's highly likely that the IRS will improperly assess penalties that it must abate later after great expenditure of the taxpayer and IRS time and effort. Small businesses that lack the capacity to track customer purchases may lose customers, leaving the economy with more large national vendors and less local competition.'' Those are the words of the National Taxpayer Advocate at the IRS.

This 1099 reporting burden on small businesses is particularly onerous and outweighs many of the advantages of some of these tax provisions that we all agree upon. It's a shame that we couldn't have gotten together to put together a better small business package that would actually promote small business growth, promote jobs, and promote our economy.

Madam Speaker, I reserve the balance of my time.

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

You know, the mindless objection really overlooks the urgency of this picture. We go back home; people say they can't receive credit. You talk about TARP III. You're the only ones who use that language to try to find a label even for something beneficial, as was other legislation.

So we go home and we hear this cry out for credit, and we put together a bill that provides $30 billion for small and medium-size businesses, and you look for an excuse. We provide money for the States to provide collateral so small businesses can receive the credit—a provision that Governors support, Republicans and Democrats—and you search for some basis that somehow will carry what you think is a winning message even if the American people are the losers. It doesn't work.

Madam Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

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

Mr. HOYER. I thank the chairman of the Ways and Means Committee, Mr. LEVIN, for yielding. Mr. LEVIN has been one of our hardest workers and leaders in the effort to make sure that American business can succeed and expand and create good-paying jobs for our economy.

I just heard the last of his remarks, but my presumption is he was saying, as we all know is the case, there is not a place that any of us travel in the United States of America, when we talk to small businesses all over this country, that they don't say: Congressman, one of the real problems I have is I can't get capital. I want to put an additional room on my restaurant so I can have some additional tables, and I'll have to hire some additional—maybe a cook and a waiter and waitresses and a receptionist, but I can't get capital. I know I can get the customers, but I can't expand.

That's what this bill is about. This bill is about empowering small businesses to do what they do so well.

In our work to recover from the worst economic crisis of our lifetimes as a result of the economic policies we put in place in the last administration, we're suffering under the worst economic crisis in 75 years. Only the Great Depression is analogous.

Businesses will play an extraordinarily important role in bringing us back; they are our economy's job-creating engine. Over the past year, 64 percent of new jobs came from small businesses. Keeping small businesses growing and creating jobs is essential to our economic recovery, and supporting small businesses is an essential part of rebuilding American industry, which is why this important small business lending bill is part of the Democrats' ''Make It in America'' agenda.

□ 1420

You're going to be hearing a lot about that agenda: ''Make It in America.''

There are an awful lot of people in our country right now who, understandably, are not sure they're going to make it in America. They're not sure their kids are going to be able to make it in America. They're not sure they're going to have a retirement on which they counted. ''Make It in America.''

Now, that has another meet meaning as well: make it in America; manufacture it in America; create good-paying jobs through manufacturing things in America that Americans will buy, and yes, the rest of the world will buy.

This is a plan to strengthen American manufacturing and its ability to create well-paying middle class jobs. Six Make It in America bills have already been signed into law. In addition,

Democrats have voted for investments in job-creating infrastructure projects, lower taxes for 98 percent of America, expanded Small Business Administration lending, a tax credit for small businesses that hire unemployed workers, and long-term tax credits to help small businesses afford employer health care. And we've done it in the face of a year and a half of near unanimous Republican opposition.

The challenges faced by small businesses are still, of course, significant ones. Last year, for instance, 45 percent of small businesses seeking loans to expand or even stay in business were turned down for a loan, which had an obvious impact on employment.

To expand the job-creating flow of credit, I urge each of my colleagues, not Republicans or Democrats but all of my colleagues, who all want to see small businesses grow, who all want to see jobs created, and, therefore, I urge all of my colleagues on either side of the aisle of whatever ideology, support this bill.

I talked to my small bankers last week. They say if they get this capital, they're going to lend to small businesses. I talked to my small businesses, and they say if this bill passes, they believe that they'll be able to get a loan to expand their business or to keep in business.

First, this bill creates a small business lending fund that makes it easier for small businesses to access the capital they need. It also establishes $12 billion in tax cuts for small business.

I've heard a lot of talk throughout my 30 years here in the Congress of the United States from the other side of the aisle about cutting taxes on small businesses. Well, this cuts $12 billion in taxes on small businesses. I would hope that you would feel that was consistent with what you said ought to be done. We agree. And we've done it. And we're trying to do it again.

These tax credits encourage small business investments by eliminating small business capital gains taxes in many cases; they encourage innovation by helping entrepreneurs deduct more startup expenses; they make it more affordable for business owners to invest in the equipment they need to expand; and, as I said, they make health care more affordable for the self-employed—all designed to grow and expand small businesses and to create jobs for the millions of Americans who have been hardworking Americans, lost their job, and they want to work and they're looking for work, and they can't find it. This is an opportunity for us to expand that job pool by an estimated 500,000.

In addition, this bill strengthens State and SBA programs that lend to small businesses. We have such a program in the State of Maryland. We think this will help. And it strengthens overseas competitiveness by funding export-promoting programs and by fighting for market access and a level playing field for American companies that compete abroad.

In all, this bill's provisions are projected, as I said, to save or create as many as a half million jobs.

Passing this bill is a test of every Member's commitment to the businesses that are the backbone of our districts. It is a measure of our support for their ability to innovate, grow, and employ more workers.

But as important as this bill is, it is not the end of our work to create small business jobs.

For instance, the House will soon debate Congressman MILLER's bill to support lending for home construction—another example of Democratic efforts to support small businesses and create jobs.

I hope that every one of my colleagues sees fit to support this bill, not because it perfectly represents every view that you have—none of us vote for bills that reflect our views perfectly—but because the consensus of the business community is this will move us forward.

Vote for this bill. It's good for America. It's good for our people. It's good for jobs.

Mr. BOUSTANY. I yield myself the balance of my time.

Madam Speaker, I mentioned that we are for some of this tax relief in this bill. But if you talk to small business owners across this great country of ours, you talk to workers, you talk to families, what they're concerned about is the uncertainty, the uncertainty of what's happened over the last 2 years under this administration. This atmosphere of uncertainty is what's killing small business growth, and it's killing jobs.

Now, we highlighted the 1099 provision in the health care bill. That's just one provision in a massive bill that has led to this tremendous uncertainty, this atmosphere that is just like cold water on all business activity.

Yes, I admit the credit problems are real. Small businesses are struggling with it. But why is that? It's because there is uncertainty in the economic climate.

Now, it's nice. We have a bill that offers some good tax provisions in there. But where one hand giveth, the other hand taketh away with onerous provisions that are going to add costs to our businesses that are trying to hire and trying to make a living and trying to prosper, trying to create wealth and prosperity for American families.

The bottom line is we need good, solid policies that are going to basically eliminate this uncertainty. That's why I have to say I lament the fact that we couldn't get together and work on something that would really promote job growth, promote economic growth and prosperity for families. But, no, we have to play these political games, and we have to put provisions in there for certain reasons that actually are going to work counter to what we're trying to do.

The 1099 provision is just one of many, many elements that have led to this intense uncertainty across the board. I challenge my friends. I say go across the country, visit your districts, talk to small business owners and ask them what is the problem. They'll tell you it's credit. But they'll tell you, We don't know what's coming with this health care and what it's going to cost us.

There are a number of provisions the way this is going to be implemented, the 1099 provision being one. New taxes, the tax uncertainty—my God, that is a huge issue. Why can't we get together and extend the tax relief from 2001 and 2003 and keep the capital gains and dividend taxes where they are today? That will create an atmosphere of certainty for our businesses that want to hire, they want to produce goods, they want to export.

Why can't we articulate a coherent trade policy that's really going to promote exports? We've got three trade agreements on the table ready to go that immediately promote exports that will create high, good-paying jobs. One-out-of-five jobs in this country are related to trade. But, no, we won't take up those trade agreements. Ask why. Special interest. It's not what's best for America; it's for special interest.

We have a moratorium on drilling down in my district, in my State. It's killing small business growth. Killing it. These are small businesses that provide services and equipment and manufacturing to support American energy. And guess what. We have an arbitrarily imposed moratorium that defies any basis in fact or science at this stage, and we can't even get answers from this administration to bipartisan letters inquiring why that's the case.

So let's talk about how you get rid of uncertainty in this economic climate. We've got a climate of fear right now. People are fearing what's coming out of Washington.

What we need is certainty, and we need good, solid politics that are going to help American workers and American families.

□ 1430

Mr. LEVIN. I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

I think if we went into any shopping mall or restaurant in America today and asked people who aren't in politics, What would you like to see us do to help put people back to work?, they would say, Well, small businesses create three out of four jobs in the country. Why don't you help them? Why don't you make it so if they create jobs you cut their taxes? Why don't you make it so if they can't get loans, if they have good credit they can get loans and pay them back so it doesn't cost the Treasury anything? And why don't you do this in such a way that it

doesn't add to the deficit, that you offset the cost of doing this by finding other savings to pay for it? Why don't you do that?

That's exactly what this bill does.

Now, I suspect that if the minority's not going to support this bill, it has more to do with the calendar than the content of the bill. In 40 days the voters are going to the polls. And the other side has decided to run their campaign on the basis that nothing good is happening. That's their judgment. We're making a different judgment here: helping small businesses by cutting their taxes, helping small businesses by making credit available to creditworthy borrowers, and helping the American people by creating jobs in a way that doesn't increase the deficit.

Our friends on the other side, Madam Speaker, say there's a climate of fear in Washington. Maybe people are justifiably afraid out in the country that the other side wants to do nothing but say ''no.'' We should vote ''yes'' on this bill.

Mr. LEVIN. My colleagues on the Republican side want to talk about everything except this bill. I understand that. I think quietly you might admit you are embarrassed to vote against it. You raise the 1099 issue in the health bill. We've brought up a bill to repeal it, and almost all of you voted ''no.'' You want to talk about all kinds of other issues except this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Members are reminded to address their remarks to the Chair, not to others in the second person.

Mr. LEVIN. I will be glad to do that.

So my colleagues want to make sure, if they can, that this doesn't happen. It's going to. You say, why can't we get together? The last months, the last year, all of this has proven the last thing you want to do is to get together. They think that the best thing to do is to make sure we can't. That won't help the small businesses of this country.

This is an excellent, necessary bill for small businesses in this country who need the credit flowing. And those who vote ''no'' are standing in the way of that flow of credit for the small businesses of this country. Inexcusable.

Mrs. MALONEY. Madam Speaker, the Small Business Jobs and Credit Act of 2010 (H.R. 5297) will strengthen our current economic recovery, by strengthening our small businesses.

This legislation is sorely needed to bolster our small firms, which have lagged their larger counterparts in recovering from the Great Recession.

While the economy has made significant progress since the beginning of 2010, including eight straight months of private sector job growth, small businesses are not yet fully participating in this recovery.

The legislation before us will help change that—by providing small businesses with eight separate tax cuts totaling $12 billion; promoting lending to small firms; and encouraging investment in these engines of growth.

A September report from the Joint Economic Committee, which I chair, provides fresh evidence of the challenges that continue to face small businesses.

While hiring at medium and large firms began to pick up in mid-2009, hiring at small firms remains flat and has continued to decline for the smallest firms—those with fewer than 50 employees.

Why aren't small businesses hiring?

A big part of the answer is that they simply cannot get the loans they need.

The number of loans to small businesses and the value of those loans are both dropping.

Loans made to small businesses, which peaked at 27.2 million in the second quarter of 2008, have fallen by over 4.8 million since then, a drop of 17.8 percent.

At the same time, the total value of those loans fell by $60 billion to approximately $650 billion.

I have heard time and time again from my constituents that even as the economy gains strength, creditworthy businesses still cannot get the normal business loans they need to make payrolls, pay vendors, or expand their operations.

I have heard this from a wide variety of businesses—from the old fashioned 100 year old, family-owned Eneslow Shoes, to the high tech QED National—a leading provider of Staff Augmentation services to IT organizations.

Sound companies doing good business tell me they just can't get the credit they need.

There is a provision in this legislation that I believe will get capital flowing again to small businesses.

The $30 billion Small Business Lending Fund will leverage $300 billion in loans to small businesses.

Small and community banks receive capital from the Fund on terms that become more favorable as they make more loans to small businesses.

The new lending fund is a big piece of this legislation—but it's just one piece.

The bill also increases the loan limit for SBA 7(a) loans from $2 million to $5 million.

This is especially important for high-cost areas like New York City, where $2 million just doesn't go very far for a small business.

The bill extends 50 percent bonus depreciation, enabling small businesses to immediately write off half the cost of investments in new equipment this year.

It promotes entrepreneurship by doubling the tax deduction for start-up expenses.

And finally, 2 million self-employed individuals will be able to deduct the cost of health insurance for themselves and their families this year.

Small businesses are the backbone of the American economy, generating innovation, growth, and jobs.

Three out of four Americans work for establishments with fewer than 250 employees.

It's critical that we get small businesses firing on all cylinders. And it's frustrating it hasn't happened sooner. But, I'm confident that this legislation will help our small firms turn the corner, add employees and accelerate our economic growth.

Mr. DINGELL. Madam Speaker, I am pleased to rise in support of the Senate amendment to H.R. 5297, the Small Business Lending Fund Act of 2010. I want to commend the Chairman of the Financial Services Committee, Congressman BARNEY FRANK of Massachusetts for his leadership on this legislation.

This legislation should have come before us much sooner but my Republican colleagues across the Capitol decided to do what was politically advantageous for them rather than do what was right for the American people. Fortunately, we have the opportunity to pass this bill today and support the needs of our small businesses, create jobs, and continue our economic recovery. The legislation will provide small business with access to capital, spur investment, and promote entrepreneurship through a number of tax cuts to small business, a new lending initiative with community banks, and enhancements to existing programs that arm states with the tools to assist small businesses with their distinct needs, among other things.

Throughout the two-year recession, we saw banks stop providing credit, and small businesses shedding jobs and closing their doors. Though our economy would undoubtedly be in far worse shape had we not passed the American Recovery and Reinvestment Act, banks are still being overly cautious about lending as our economy recovers. Thus, today we will pass a comprehensive small business job creation measure to allow small businesses to lead this recovery as they have aptly done in the past.

Indeed, the Small Business Lending Fund Act has many provisions to promote job creation for everyday Americans and grow the economy. For example, to provide access to capital, the bill includes a $30 billion lending fund for small and medium size banks to leverage $300 billion in lending, a $1.5 billion state small business credit initiative to assist state capital access programs—a provision I helped write with my colleagues from Michigan, Congressman GARY PETERS and Congressman SANDER LEVIN, and a small business tax break that allows 100 percent of the capital gains from certain small business stock to be excluded from taxation. To encourage investment, the bill includes a tax break for small businesses to allow them to write off half of the cost of new equipment placed in service in 2010. And to promote entrepreneurship, the legislation doubles to $10,000 the tax deduction for start-up expenditures for entrepreneurs looking to launch a new venture. I am also particularly pleased that the bill will increase the maximum amount—from $2 million to $5 million—the Small Business Administration will guarantee for floorplan financing loans to auto dealers, which will help these economic pillars of our communities recover and put Americans back to work.

Madam Speaker, Main Street Americans have had to wait for too long for this important bill. I am pleased to support it and urge my colleagues to do the same.

Mr. HOLT. Madam Speaker, I rise in support of the Small Business Jobs and Credit Act.

I regularly meet with Central New Jersey small business leaders and hear the difficulty they have finding the loans and credit needed to expand and hire more employees.

The Small Business Jobs and Credit Act will help small businesses on Main Street to create jobs through a new $30 billion Small Business Lending Fund for small- and medium-sized community banks. In order to participate in this program, these banks will have to turn

around and provide the credit that small businesses need to grow. The $30 billion fund, could leverage up to $300 billion in lending.

These small- and medium-sized banks are staples in communities across the country and critical sources of capital to help small businesses get off the ground, but the financial crisis on Wall Street and subsequent recession diminished these banks' ability to lend.

The bill also will support a State Small Business Credit Initiative, which will provide $2 billion in funding for new or existing state lending programs. These programs already exist in about 30 states, including my home state of New Jersey, and use small amounts of public dollars to generate substantial private financing. By supporting existing expertise in states around the country and using an easy-to-replicate model, this program will be able to quickly increase small business lending and create jobs.

In addition, this bill will improve access to credit by increasing Small Business Administration loan limits and lowering costs for small business to access SBA loans.

But this bill does not merely expand access to credit—it contains billions of dollars in tax relief for small businesses. It will spur investment by giving a 100 percent exclusion from capital gains taxes on small business investment and by allowing businesses to write off immediately 50 percent of the cost of new equipment. It also will increase the tax deduction for business start-up expenditures. By allowing entrepreneurs to recover more start-up expenses, small business owners can focus more growing their businesses.

It is unfortunate that this bill was held up by partisan obstructionists, because this is something that could help small businesses now. The small business owners I talk with in New Jersey are not concerned about political gamesmanship—they're concerned about lack of credit and tight lending standards. Passage of this legislation is long overdue and I urge my colleagues to support it and support our nation's small business leaders.

Mr. HARE. Madam Speaker, I rise today in strong support of the Small Business Jobs Act of 2010. I want to thank our leadership for continuing the fight for American jobs and our Nation's small businesses.

We all know that small businesses are the backbones of our local economies and bolster economic growth in our districts, States and Nation. Unfortunately, small businesses have not escaped the devastating impacts of this recession.

When the credit markets tightened and payrolls declined, small business owners were forced to make incredibly tough decisions—sometimes shutting their doors forever. This legislation will help existing small businesses grow and give entrepeneurs the assistance they need to open new ones.

The bill creates a $30 billion small business lending fund in which financial institutions, such as the smaller community banks in my district, can leverage as much as $300 billion of badly needed credit to small businesses.

I'm proud that this Congress continues to provide tax relief to our small businesses and I am happy that this bill includes another $12 billion in tax incentives for them.

The bottom line is that this bill gives small businesses on Main Street the tools they need to continue to spearhead our recovery and fuel our economy.

As Members of Congress, we have a responsibility to restore the economic promise of this Nation, and I won't rest until small businesses across Illinois are secure, have the resources they need, and are able to put many more of our neighbors back to work.

Madam Speaker, I urge all of my colleagues to vote in favor of both the rule and the underlying bill so that Americans can get the help they need during these tough times of economic recovery.

Mrs. LOWEY. Madam Speaker, I rise today in support of the Small Business Jobs and Credit Act of 2010, which includes the Small Business Job Creation and Access to Capital Act I sponsored. This measure will increase the Small Business Administration loan limits to help small businesses with high inventory or property costs, as well as those in high cost-of-living areas, such as Westchester and Rockland Counties, NY.

These provisions, which are fully paid for, are expected to increase lending to small businesses by $5 billion nationally in the first year.

SBA loans create jobs and have helped small businesses in my district. I recently visited a Tea Shop that used an SBA microloan to make necessary repairs to the building prior to opening. This small business has now hired five employees, as well as plumber, electrician, and contractor to make the repairs. A flooring company in Elmsford that outgrew its first facility secured an SBA 504 loan to build a new 11,000 square foot energy efficient facility, hire six new workers, and expand its business. In addition, the construction of the new facility helped bring business to manufacturers and contractors in my district.

Small businesses will lead our economic recovery and create jobs. I urge the House to support this bill to help our small businesses.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Small Business Lending Fund Act of 2010 and urge its adoption without any further delay.

Small businesses are the engine of our economy. They employ half of all private sector workers and have been responsible for nearly two-thirds of net job creation over the past fifteen years. Recent economic data showing eight straight months of private sector job growth is an encouraging sign, but more needs to be done to support our small business job generators and keep the economy moving in the right direction.

The centerpiece of this pro-growth legislation is a $30 billion lending fund for community banks serving small businesses. With 45 percent of small businesses unable to get their credit needs met in 2009, this kind of initiative—which can leverage up to $300 billion in new private sector lending—is critical to getting small businesses the financing they need to expand their payrolls at a time when jobs are what our economy needs most. Small Business Administration loan limits are increased. SBA borrowing fees are reduced or eliminated. And the nonpartisan Congressional Budget Office projects that the lending fund itself will actually reduce the deficit by $1 billion over ten years as participating banks repay their loans with interest.

H.R. 5297 also delivers a potent package of timely tax relief to the small business sector. As a result of today's legislation, up to $500,000 worth of capital investment in equipment and machinery acquired in 2010 and 2011 can be immediately written off. General business credits can be carried back five years instead of one and won't be subject to the AMT. The available deduction for entrepreneurs' start-up expenses is doubled from $5,000 to $10,000, and direct equity investment in small businesses will receive a zero percent capital gains rate for qualifying investments made this year.

Madam Speaker, although I might personally have prioritized a slightly different set of offsets, this legislation is nevertheless fully paid for and as a package deserves our support.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1640, the previous question is ordered.

The question is on the motion offered by the gentlewoman from Illinois (Ms. BEAN).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by 5-minute votes on motions to suspend the rules on the following measures: H.R. 5307, H.R. 5756, H.R. 3199, H.R. 1745, and H.R. 5710.

The vote was taken by electronic device, and there were—yeas 237, nays 187, not voting 9, as follows:

[Roll No. 539]

YEAS—237

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon

McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
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
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
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)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
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
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
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
Tiahrt
Tiberi
Titus
Turner
Upton
Velázquez
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—9

Blunt
Boren
Bright
Castor (FL)
Fallin
Hall (NY)
Kennedy
Meek (FL)
Young (FL)

□ 1503

Messrs. EDWARDS of Texas, BACHUS, and EHLERS changed their vote from ''yea'' to ''nay.''

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAO. Madam Speaker, on rollcall No. 539 I misunderstood the vote and inadvertently voted "nay" when I wanted to vote "yea."

Ms. CASTOR of Florida. Madam Speaker, I was not present for a vote today. If I were present, I would have voted:

"Yea" on rollcall No. 539, on passage of H.R. 5297, the Small Business Jobs and Credit Act of 2010.

ULTRALIGHT SMUGGLING PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5307) to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, 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 gentleman from Tennessee (Mr. TANNER) 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 412, nays 3, not voting 17, as follows:

[Roll No. 540]

YEAS—412

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
Boccieri
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
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
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
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas

Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—3

Johnson (IL)
Paul
Young (AK)

NOT VOTING—17

Blunt
Boehner
Boren
Bright
Cassidy
Fallin
Frank (MA)
Garamendi
Gerlach
Hall (NY)
King (IA)
Meek (FL)
Miller, George
Nunes
Pascrell
Sessions
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1511

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.

The title was amended so as to read: ''A bill to amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act.''

A motion to reconsider was laid on the table.

Stated for:

Mr. CASSIDY. Madam Speaker, on rollcall No. 540 I was unavoidably detained. Had I been present, I would have voted "yea."

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

TRAINING AND RESEARCH FOR AUTISM IMPROVEMENTS NATIONWIDE ACT OF 2010

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

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5756) to amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide for grants and technical assistance to improve services rendered to children and adults with autism, and their families, and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service, 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 gentleman from New Jersey (Mr. PALLONE) 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 393, nays 24, not voting 15, as follows:

[Roll No. 541]

YEAS—393

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
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
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (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
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
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
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—24

Akin
Broun (GA)
Campbell
Chaffetz
Coble
Conaway
Flake
Foxx
Franks (AZ)
Gingrey (GA)
Gohmert
Graves (GA)
Hensarling
Herger
Issa
Jordan (OH)
King (IA)
Lummis
Mack
Marchant
McClintock
Paul
Shadegg
Thornberry

NOT VOTING—15

Blunt
Boehner
Boren
Bright
Fallin
Frank (MA)
Gerlach
Hall (NY)
Hinojosa
Meek (FL)
Poe (TX)
Ros-Lehtinen
Schrader
Scott (GA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1520

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.

The title was amended so as to read: ''A bill to amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes.''.

A motion to reconsider was laid on the table.

EMERGENCY MEDIC TRANSITION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (H.R. 3199) to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes, 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 gentleman from New Jersey (Mr. PALLONE) 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 412, nays 5, not voting 15, as follows:

[Roll No. 542]

YEAS—412

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 (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
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)
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
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (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
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
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
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)

NAYS—5

Broun (GA)
Flake
King (IA)
Lummis
Paul

NOT VOTING—15

Bishop (NY)
Blunt
Boehner
Boren
Bright
Fallin
Frank (MA)
Gerlach
Hall (NY)
Meek (FL)
Radanovich
Schock
Sullivan
Tierney
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1528

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.

FAMILY HEALTH CARE ACCESSIBILITY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1745) to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act, 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 gentleman from New Jersey (Mr. PALLONE) 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 417, nays 1, not voting 14, as follows:

[Roll No. 543]

YEAS—417

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 (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
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)
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
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell

Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
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)

NAYS—1

Paul

NOT VOTING—14

Bishop (NY)
Blunt
Boren
Bright
Ehlers
Fallin
Frank (MA)
Gerlach
Hall (NY)
Kirk
Meek (FL)
Radanovich
Tierney
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1536

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.

Stated for:

Mr. EHLERS. Madam Speaker, on rollcall No. 543 I missed the vote because I was summoned to an extremely important telephone call. Had I been present, I would have voted "yea."

NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5710) to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act, 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 gentleman from New Jersey (Mr. PALLONE) 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 384, nays 32, not voting 16, as follows:

[Roll No. 544]

YEAS—384

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
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
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
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
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
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)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—32

Akin
Broun (GA)
Campbell
Carter
Conaway
Culberson
Flake
Foxx
Franks (AZ)
Goodlatte
Graves (GA)
Hensarling
Herger
Hunter
Jordan (OH)
Kingston
Lummis
Mack
Manzullo
Marchant
McClintock
Neugebauer
Nunes
Owens
Paul
Poe (TX)
Price (GA)
Rohrabacher
Rooney
Sensenbrenner
Thornberry
Westmoreland

NOT VOTING—16

Bishop (NY)
Blunt
Boren
Bright
Conyers
Fallin
Frank (MA)
Gerlach
Gohmert
Hall (NY)
Meek (FL)
Radanovich
Roskam
Shuler
Tierney
Young (FL)

□ 1544

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. TITUS). 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.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART III

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6190) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6190

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 ''Airport and Airway Extension Act of 2010, Part III''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat. 2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 6190.

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

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 6190, the Airport and Airway Extension Act, Part III. The Airport and Airway Trust Fund taxes and spending authority are scheduled to expire on September 30. This bill extends its authority through December 31, 2010, while we work together on a long-term solution.

This extension is critical for our airports and communities across our country. Our aviation system is also key for our economy and jobs. For example, Hartsfield-Jackson Atlanta International Airport, located in my congressional district, is the busiest passenger airport in the world. Over 250,000 passengers travel through the airport each day. The Atlanta airport has a direct impact of more than $32 billion on Georgia's economy and employs almost 60,000 people throughout our State. Extending this authority provides the necessary revenue to maintain our Nation's airports and air traffic control system.

Madam Speaker, I ask all of my colleagues to come together and support this very simple, commonsense, necessary legislation.

I reserve the balance of my time.

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

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

Mr. BOUSTANY. Madam Speaker, I rise in support of H.R. 6190.

This is a straightforward bill to extend for 3 months, through December 31, the existing FAA authorization law, the excise taxes that support the Airport and Airway Trust Fund, and the trust fund's expenditure authorities. The current FAA authorization, as well as the excise taxes and spending authorities, are currently scheduled to expire on October 1.

For the past several months, the House and Senate have been negotiating on a long-term FAA reauthorization bill, but those negotiations have not yet come to a close. This extension will give Congress additional time to try to resolve the differences between the Chambers' bills and to determine whether modifications to the financing structure of the Airport and Airway Trust Fund are appropriate.

I would note, however, that because the majority has chosen to extend the FAA authority only through the end of the year, they are ensuring that Congress must return for a lame duck session to prevent the FAA authorization from expiring. Many of my colleagues on this side of the aisle have voiced legitimate concerns about the mischief that could be made in an extended lame duck session, with various pieces of must-pass legislation being held hostage to unpopular tax increases and spending increases that the majority might decide to postpone until after the election.

□ 1550

Despite this risk, it is important that we take the necessary steps to extend the current FAA authorization and its related excise taxes and expenditure authorities on a temporary basis, and I join with my colleagues across the aisle in support of this legislation.

With that, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield as much time as he may consume to the gentleman from Illinois, the chairman of the Aviation Subcommittee, Congressman COSTELLO.

Mr. COSTELLO. I thank my friend from Georgia (Mr. LEWIS) for yielding.

Madam Speaker, I rise in strong support of H.R. 6190, the Airport and Airway Extension Act of 2010, Part III. I want to thank Chairman OBERSTAR of the full Committee on Transportation and Infrastructure, Chairman LEVIN and Congressman LEWIS of the Committee on Ways and Means for bringing this bill to the floor today.

Two months ago, we passed bipartisan legislation, H.R. 5900, the Airline Safety and Federal Aviation Administration Extension Act of 2010, which was signed into law. It included important airline safety and pilot training provisions from House passed H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009. I am pleased that President Obama signed the legislation, H.R. 5900, into law, and I am proud of our efforts to work together in a bipartisan manner to produce the strongest aviation safety legislation in decades.

In addition to the aviation safety provisions, H.R. 5900 included a clean extension of the FAA reauthorization bill until September 30. We passed another extension because the leaders in the other body said they could not reach an agreement with their members and they were at an impasse.

We have reached consensus on the majority of the items from both bills and only a few issues remain which I believe can be worked out. It is unfortunate that we have reached this point after nearing the end of working through both of these bills.

In the interest of keeping the FAA and the aviation transportation system operating safely, we cannot let this reauthorization expire on October 1. H.R. 6190 extends the FAA reauthorization through the end of the calendar year.

There are many important provisions in the FAA reauthorization bill, such as binding arbitration for the air traffic controllers, addressing the consolidation and realignment of FAA facilities, and making investments in NextGen and the air traffic control modernization program. I am committed to passing a comprehensive FAA reauthorization bill next year so that we can provide stability to the FAA and our Nation's aviation system.

With that, Madam Speaker, I urge support and ask my colleagues to vote for this legislation.

Mr. BOUSTANY. Madam Speaker, I am now pleased to yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Louisiana.

In May 2009, the House passed H.R. 915, the FAA Reauthorization Act of 2009. In March of this year, the Senate passed its own FAA reauthorization bill which the House took up, amended, passed and sent back to the Senate. Since that time, we have been in informal discussions to reconcile the two versions of the bill. While these discussions have led to tentative agreements on nearly all of the provisions, a few controversial issues have stalled progress on a final agreement. Therefore, with the FAA's authorities set to expire on September 30, we again find it necessary to consider another extension bill. Likes the 15 earlier extensions over the past 3 years, H.R. 6190 would provide a short-term extension of the taxes, programs, and funding of the FAA, this time through the end of this year, 2010.

I remain very disappointed that a few issues in the reauthorization package are holding up final agreement on a comprehensive FAA reauthorization bill. However, in order to ensure the safe operation of the national airspace system while Congress continues to debate a full reauthorization package, I support passage of today's extension.

I urge my colleagues to support the resolution.

Mr. LEWIS of Georgia. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota, the hardworking chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for that very thoughtful comment. I consider myself hardworking. It's nice to have that affirmation from the gentleman who himself knows the value of, and puts in, hard work.

Perhaps the best news this afternoon was the announcement we just heard from the other body that the Senate has passed, by consent, H.R. 4853, the Airport and Airway Extension Act, with a substitute amendment carrying through the authorities through the end of this calendar year. That's good news. The unfortunate news that Mr. COSTELLO has amply outlined and as Mr. PETRI has also underscored is that the full authorization is still held up over disagreements in the other body. We passed this bill, we on the Committee on Transportation and Infrastructure under Mr. COSTELLO's diligent leadership, by hard work, dozens of hearings and meetings and conferences and discussions to lead to the long-term authorization—then it was about $60 billion—investing in the future of air traffic control, modernizing yet again. It's in a state of constant modernization. You can't say we do it once and then it's done. It's in a constant state of modernization. Resolving very thorny issues within the air traffic control workforce and the previous administration. We put all those together in a package, it passed the House and didn't pass the other body.

And then there was a threat from the previous administration, well, if the bill in its present form reaches the President, he'll veto it. Nonetheless, we had a bipartisan effort. Mr. MICA, Mr. PETRI, Mr. COSTELLO and I and the representatives from the White House; the Secretary of Transportation, Ms. Peters; the head of the FAA. We met for days, week after week after week, to try to resolve the issue of controller pay, try to resolve a number of other issues that were in the bill. And, as we quaintly say in this body, we came to no resolution thereon.

Now we're close. We're so very close. But there are just a couple of items that have nothing to do with the air traffic control system, nothing to do with the air traffic control workforce. This administration came in in January of last year and the first thing the President, the White House did, with the vigorous support of Mr. COSTELLO and me, and I think even encouragement from Mr. MICA and Mr. PETRI, settled the air traffic controller pay issue. That was the first thing they did. They tackled it head-on. They had a 95 percent support vote from the members of NATCA; and things are moving ahead. But now a dispute over whether one airline, who has the dominant position at National Airport, should have further dominance in long-haul service out of National Airport, that's got the other body all in a tangle.

□ 1600

We have not had a formal conference. We have not sat opposite face-to-face to discuss options. There is a flat-out resistance in the other body to increasing the Passenger Facility Charge so that airports, at their discretion, may choose to raise that fee and generate the roughly $2 billion that the capacity facility charge generates to invest in modernization of the airport facilities, improve the terminals in the parking areas and the hard side of the airport, runways and taxiways and parking aprons. All that money goes directly into investments and creates jobs, economic opportunity.

But they are hung up over there, just one person holding this and another

person holding something else and a third one holding something else and then have the secret holds and the hot holds and the threats of filibuster. The other body is just all tangled up in themselves. That's just an exasperating condition.

I have seen this over 25 years, back to the time when I chaired the Aviation Subcommittee, but we were always able to work it out. I have never seen such a tangle like this.

So I urge the other body to rise above themselves, get over these little petty differences, come to agreement in the greater good of this country. Aviation is 9 percent of the gross domestic product of the United States.

Last year a billion people traveled by air worldwide, 750 million moved in the U.S. airspace. We account for three-fourths of all air travel worldwide. Every other nation in the world wants to get into the U.S. and wants to serve our constituents because it is such a lucrative market.

But if we don't invest in the future and continuing the modernization of air traffic control, we are not going to be the leader in the world. That is what this legislation does. It lays down the charts, the path forward for continued modernization of the air traffic control system of the United States, which is the most robust in the world.

So you might ask, well, why are we doing just this short-term extension through the end of the year? Because I am confident that sanity will prevail, that equity will abound in the other body, and they will find themselves, and they will come to agreement in the post-election session, maybe before then, and then we could do the full, 4-year authorization bill.

So we must proceed on the course we have laid before you today.

I thank my colleagues on the committee, Mr. MICA, Mr. PETRI. Mr. BOUSTANY, thank you, from Ways and Means, a refugee from the Committee on Transportation and Infrastructure who has, as has Mr. LEWIS, also a graduate of the Committee on Transportation and Infrastructure, gone on to Ways and Means, where we still have the partnership. I am glad we are all together. At least on this side, we are all together moving in the right direction.

Madam Speaker, I rise in strong support of H.R. 6190, the "Airport and Airways Extension Act of 2010, Part III". This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill will not be completed before the current authority for aviation programs expires next week, H.R. 6190 is needed to extend aviation programs, taxes, and expenditure authority for an additional three months, through December 31, 2010.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007. Although the House passed an FAA reauthorization bill during the 110th Congress, and again last year, the Senate failed to act until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on September 30, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the differences between the House and Senate bills. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, acceleration of the Next Generation Air Transportation System effort, and a passenger bill of rights. Moreover, a comprehensive multi-billion dollar FAA reauthorization would create tens of thousands of well paying aviation sector jobs.

This would build upon the aviation investments funded by the American Recovery and Reinvestment Act of 2009. We know that Recovery Act aviation investments have been a tremendous success. Work is underway or completed on 758 aviation projects ($1.2 billion), representing 96 percent of the total available Recovery Act aviation funds. Within this total, work is underway on 205 projects ($627 million), and work is completed on an additional 553 projects ($622 million). Aviation investments will result in 155 runway improvements at 139 airports that accommodate 11 million annual takeoffs/landings ($483 million); 83 taxiway improvements at 78 airports that accommodate 8.1 million annual takeoffs/landings ($220 million); and 25 projects to modernize air route traffic control centers ($50 million). This record of success underscores the need to build upon these efforts and pass a long-term FAA reauthorization act.

Unfortunately, since July, the FAA reauthorization bill has been hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport. The Senate provision was included in neither the House-passed nor the Senate-passed FAA bill, and it is strongly opposed by Members of Congress and Senators who represent the Washington, D.C. metropolitan region. They argue it would create a burden on Washington National Airport by creating congestion at terminals and that it would siphon passengers away from Washington Dulles International Airport. I also have concerns that the provision, as written, would unduly benefit the dominant incumbent carrier at National Airport, US Airways.

We will continue to work as hard as we can on behalf of the American public for a strong, comprehensive FAA reauthorization bill, which I still remain confident that we can deliver this Congress.

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

Mr. LEWIS of Georgia. Madam Speaker, I fully support H.R. 6190. I urge all of my colleagues on both sides of the aisle to vote ''yes'' for this important piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 6190.

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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SUPPORTING NATIONAL COMPUTER SCIENCE EDUCATION WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1560) supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1560

Whereas computing technology has become an integral part of culture and is transforming how people interact with each other and the world around them;

Whereas computer science is transforming industry, creating new fields of commerce, driving innovation in all fields of science, and bolstering productivity in established economic sectors;

Whereas the field of computer science underpins the information technology sector of our economy, which is a significant contributor to United States economic output;

Whereas the information technology sector is uniquely positioned to help with economic recovery through the research and development of new innovations;

Whereas National Computer Science Education Week can inform students, teachers, parents, and the general public about the crucial role that computer science plays in transforming our society and how computer science enables innovation in all science, technology, engineering, and mathematics disciplines and creates economic opportunities;

Whereas providing students the chance to participate in high-quality computer science activities, including through science scholarships, exposes them to the rich opportunities the field offers and provides critical thinking skills that will serve them throughout their lives;

Whereas all students deserve a thorough preparation in science, technology, engineering, and mathematics education, including access to the qualified teachers, technology, and age-appropriate curriculum needed to learn computer science at the elementary and secondary levels of education;

Whereas these subjects provide the critical foundation to master the skills demanded by our 21st century workforce;

Whereas computer science education has challenges to address, including distinguishing computer science from technology literacy and providing adequate professional development for computer science teachers;

Whereas the field of computer science has significant equity barriers to address, including attracting more participation by females and underrepresented minorities to all levels and branches;

Whereas Grace Murray Hopper, one of the first females in the field of computer science, engineered new programming languages and pioneered standards for computer systems which laid the foundation for many advancements in computer science; and

Whereas the week of December 5, in honor of Grace Hopper's birthday, is designated as ''National Computer Science Education Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Computer Science Education Week;

(2) encourages schools, teachers, researchers, universities, and policymakers to identify mechanisms for teachers to receive cutting edge professional development to provide sustainable learning experiences in computer science at all educational levels and encourage students to be exposed to computer science concepts;

(3) encourages opportunities, including through existing programs, for females and underrepresented minorities in computer science; and

(4) supports research in computer science to address what would motivate increased participation in this field.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1560 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1560, which designates the week of December 5, 2010, as National Computer Science Education Week to support increased public awareness of, and interest in, the field of computer science and careers in computers.

I am honored to have joined Mr. EHLERS of Michigan for the second year in a row as bipartisan cosponsors in recognizing the critical importance of computer science education to the future of our country and to a strong economy and jobs.

The global competitiveness of our workers and our economy depends on our ability to embrace emergent information in computer technologies. As an Internet entrepreneur myself, who had founded several successful companies before I came to Congress, I learned firsthand how computer technology is transforming people's lives throughout the world and represents a critical strategy for ensuring our country's national competitiveness. The Department of Commerce estimates that there will be 800,000 job openings in computer science over the next 6 years, making it one of the fastest-growing fields in the country, and it's of critical importance, particularly during this recovery.

Computer science also drives innovation across other sectors—in science, technology, engineering, and math. According to the College Board, 4 of the top 10 fastest-growing jobs will be in computer-related fields as our Nation's most innovative and successful companies continue to expand their capabilities. Computer skills, Madam Speaker, are necessary in jobs across the board. From agricultural jobs to office jobs, the way we interact with computers plays a critical role in both our personal and our professional lives.

The types of jobs where we need to do better with regard to computer education include computer system analysts, software engineers, network systems managers, data communication analysts and many others. And yet despite the growing need and the many job openings, there were less than 60,000 Americans that pursued degrees in computer science in 2008.

In my district in Colorado, for example, more than 2,500 computing job openings occur annually, but only 10 students say they intend to major in computer science and 34 took the Advanced Placement computer science exam, according to the National Center for Women and Information Technology at the University of Colorado at Boulder, the flagship State university in our Colorado system.

□ 1610

Unless we get more kids interested in computer science degrees and careers, we'll continue to lose our edge in global competitiveness. But that interest starts early, Madam Speaker. We need to start through public education, elementary school, middle school, and high school in giving kids the skills they need to enter these fields in college and professionally.

National Computer Science Education Week provides an important opportunity to highlight the opportunities available in this bill and give kids the skills they need to obtain success, to encourage more students to pursue careers in the fast-growing fields of computing and information technology, and also to highlight the importance of a skilled and diverse workforce that takes full advantage of the great diversity our Nation has to offer to compete for 21st century jobs.

The date of National Computer Science Education Week coincides with the birthday of Grace Hopper, one of the first prominent women in the field of computer science. As a United States Naval officer, Ms. Hopper became a computer programmer and later engineered new programming languages and created standards for computer systems which laid the foundation for major advancements in computer science. The U.S. Navy destroyer USS Hopper was named in her honor.

National Computer Science Education Week can also help expose students to innovative technologies and computer science as early as kindergarten and continuing all the way through college. Students deserve and need access to the technology, qualified teachers, and age-appropriate curriculum at the elementary, secondary, and post-secondary levels. These resources encourage students to distinguish between computer literacy and computational thinking, which facilitates new ways to use these powerful tools to approach issues in biology, chemistry, physics, astronomy, and health care.

In a world dominated by Facebook, iPods, the Web, and the Internet, every child stands to benefit from a rigorous computer science education. And yet today, too few students have the opportunity to take engaging and rigorous computer science courses, and there is far too little diversity among those who do. Low-income, women, and minority students are severely underenrolled in computer science courses and programs, both at the secondary and post-secondary levels, and also in the related professions.

That's why I have introduced H.R. 5929, the Computer Science Education Act, which will help ensure that American students not only use technology but also learn the technical computing skills needed to grow our economy and invent the technology that will drive our economic engine in the future. America simply cannot afford to continue wasting talent and opportunities in this field.

Madam Speaker, I want to thank Representative EHLERS for submitting this resolution and express my strong support for recognizing the week of December 5 as National Computer Science Education Week.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 1560, supporting the increased understanding of, and interest in, computer science and computing careers among the public, and especially in our schools, to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

Computer science is the study of the theoretical foundations of information and computation and of practical techniques for their implementation and application in computer systems. Today, more than ever, computer science is integral to the functioning

and growth of our society and economy. Computer science supports the information technology sector that has become such a large contributor to the United States' economic output.

The need for diverse participants in the field of computer science exists more so today than ever before. As the world's dependence on technology grows, so does the need for individuals with the knowledge and background to support and advance that technology in all fields of science.

Computer science education provides an opportunity for students to enter the field of computer science and exposes them to the opportunities this important field has to offer. A high-quality education in science, technology, engineering, and mathematics can help to prepare students for a future in computer science and to master the skills needed in the 21st century workforce. A computer science education can provide students with opportunities for future education and employment in some of the fastest growing industries.

National Computer Science Education Week, to be recognized the week of December 5, will inform students, teachers, parents, and the public about the role of computer science in our society and the opportunities it affords to participants in the field. Today I express my strong support for National Computer Science Education Week and encourage all schools, teachers, researchers, and universities to recognize this occasion.

I support the resolution and ask my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. I would like to inquire if the gentleman from Pennsylvania has any further speakers.

Mr. PLATTS. Madam Speaker, I was expecting the sponsor of the resolution. I understand that he is on his way and should be here momentarily.

I take it the gentleman has no other speakers?

Mr. POLIS. I would like to continue.

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

Little is of greater importance to the economic future of our country than making sure that kids are prepared to enter the workforce of the future and create the jobs of the future, many of which will either be in computer science or require skills in computer science. Regardless of the field, whether it's construction, whether it's education, whether it's banking, having basic skills in computational technology as a computer science is absolutely critical for occupational success. To bring some of the jobs back to America, we need to make sure that we have the best and brightest and most capable children that are equipped with the tools they need to prepare the next generation of intellectual property and software products for consumption across the world.

I have been honored to introduce this resolution recognizing National Computer Science Education Week with Representative EHLERS, for the second year, to acknowledge the important contributions of computer science to our country's economic development and also to emphasize the need for increased diversity and ensuring that we tap into the great diversity that composes the American people in preparing for the jobs of the future.

I reserve the balance of my time.

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

I want to commend the gentleman from Colorado along with the gentleman from Michigan (Mr. EHLERS) for their sponsorship of this. We see issues often in our professional roles but also in our personal roles, and this area of computer science and education is one that I have seen as a dad, a parent of a 14-year-old and an 11-year-old, a sixth grader and an eighth grader. This generation that's coming up now can't imagine the world without computers. As one of the older generations, I regularly turn to them for input in how to troubleshoot. And I think that's what we're trying to help promote here is that understanding of how integral computer science is to our daily lives, to our economy, and to our quality of life. And this resolution will help promote that idea and remind all of our citizens that, if they're looking for a great opportunity for a career, computer science and related fields is a wonderful one that's going to be with us for decades to come and integral to our country's growth and success economically in the years ahead, as well.

I believe that we're not going to be able to wait for the sponsor, so I would just conclude by acknowledging Mr. EHLERS, the gentleman from Michigan's work in this area and his professional work before coming to the House in this arena and what a great champion he has been for supporting the importance of education in computer science, mathematics, engineering, and technology. And he'll be leaving us at the end of this session, but I know he will continue to be a strong advocate for education in this field.

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

Mr. POLIS. Certainly, as the gentleman from Pennsylvania mentioned, we salute Mr. EHLERS' leadership on this issue and certainly hope that in future sessions we will continue to have strong bipartisan agreement on this issue. And perhaps if we are both in the next session, the gentleman from Pennsylvania will join me to continue the tradition of honoring Computer Science Education Week in future sessions.

Again, the recognition in ensuring that raising the profile of the importance of computer science is a first step. And I have also introduced a bill, H.R. 5929, that really enacts what we need to do with regard to helping improve opportunities for computer science across the country. It's not simply a matter of kids using technology, but also a matter of learning the technical computing skills that are needed for an increasingly complicated workforce and business climate.

Madam Speaker, I urge my colleagues to join me in supporting this resolution.

Mr. EHLERS. Madam Speaker, I rise in support of H. Res. 1560, which supports the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and ensures an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

The week of December 5 has been chosen as National Computer Science Education Week to honor the birthday of Grace Murray Hopper, one of the first female computer scientists. This will mark the second annual celebration of this important week.

Computing technology and the innovations it yields are transforming our world and are critical to the global competitiveness of our economy. However, we are not preparing an adequate and diverse workforce to meet the ever-growing demand for the information technology sector, which includes some of the country's most innovative and successful companies.

While it is very important that students in K–12 are exposed to computer science, many do not get a chance to learn about it in schools today. The lack of understanding of computer science and how it fuels innovation in science, technology, engineering, and mathematics disciplines contributes to a lack of interest in computing careers, especially among women and underrepresented minorities, whose participation rates in computer science are among the lowest of any scientific field. By introducing students to computer science at an early age and providing them with learning experiences in computer science at all educational levels, we can reverse this trend and expand and diversify our technology workforce.

I am very pleased that Congressman POLIS joined me in introducing this resolution. Also, I thank Cameron Wilson with the Association for Computing Machinery and Joel Adams with the Department of Computer Science at Calvin College for their efforts in raising the awareness about the importance of computer science education. In addition, I thank Julia Jester, formerly of my staff, for her help on drafting and introducing this resolution, as well as for her dedicated service as the staff director of the STEM Education Caucus.

Please join me in supporting the designation of the second annual National Computer Science Education Week to raise awareness about these important issues.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1560.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING AMERICANS FOR THE ARTS ON 50TH ANNIVERSARY

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1582) honoring and saluting Americans for the Arts on its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1582

Whereas Americans for the Arts is the Nation's leading nonprofit organization for advancing the arts and arts education in the United States;

Whereas celebrating its 50th anniversary in 2010, Americans for the Arts is dedicated to representing and serving local communities and creating opportunities for every person in the United States to participate in and appreciate all forms of the arts;

Whereas Americans for the Arts was founded and chartered in 1960 in Winston-Salem, North Carolina, by then-first board president George Irwin, Philip Hanes, Ralph Burgard, Arthur Gelber, Charles Mark, Keith Martin, Leslie White, and Edgar Young with the mission of enhancing public and private support for the nonprofit arts and serving local arts councils in United States;

Whereas Americans for the Arts is now currently headquartered in Washington, DC, with offices in New York, Massachusetts, California, and Florida under the leadership of Americans for the Arts President and CEO Robert L. Lynch;

Whereas Americans for the Arts played a key role in the formation and establishment of the National Endowment for the Arts in 1965;

Whereas Americans for the Arts has provided leadership and training to local public and nonprofit arts agencies through a national network consisting of Arts and Business Councils, Business Committees for the Arts, State arts agencies, State arts advocacy organizations, and community-based cultural organizations across the country serving 5,000 local arts agencies and their communities;

Whereas Americans for the Arts continues to produce groundbreaking research that is the industry standard for reliable and credible information on the size and economic impact of the nonprofit arts industry through its series on ''Arts and Economic Prosperity'', which reports that approximately 100,000 nonprofit cultural organizations generate $166,200,000,000 in economic activity every year supporting 5,700,000 jobs and generating $29,600,000,000 in government revenue;

Whereas Americans for the Arts produces annual events that heighten national visibility for the arts and arts education, including Arts Advocacy Day in cooperation with the Congressional Arts Caucus in Washington, DC, and the Nancy Hanks Lecture on Arts and Public Policy that has featured illustrious artists and policymakers with speakers such as Maya Angelou, Arthur Schlesinger, Leonard Garment, Wynton Marsalis, Representatives John Brademas and Barbara Jordan, Senator Alan K. Simpson, and Robert Redford, National Arts and Humanities Month, and National professional and leadership development convenings annually for 50 consecutive years; and

Whereas Americans for the Arts has been a leader in promoting active participation in arts education both in and out-of-school through its professional development work and national visibility PSA campaigns, ''The Arts. Ask for More'': Now, therefore, be it

Resolved, That the House of Representatives congratulates and honors Americans for the Arts for its 50 years of service in advancing the arts and arts education in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1582 into the RECORD.

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

There was no objection.

□ 1620

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

Madam Speaker, I rise today in support of House Resolution 1582 as a proud member of the Congressional Arts Caucus. This resolution honors Americans for the Arts on its 50th anniversary this year. Americans for the Arts is the Nation's leading nonprofit organization for advancing the arts and arts education in the United States.

Madam Speaker, I come from a family of artists. My father is a graphical artist, and my mother is a poet. The arts is not just for the enjoyment of others; they put food on the table for many families across the country. Americans for the Arts strives to create opportunities for all people to participate in and appreciate all forms of art. They partner with local, State, and national arts organizations, government agencies, businesses, philanthropists, and educators throughout the country. They provide arts industry research and professional development for community arts programs.

Additionally, Americans for the Arts supports a variety of unique partner networks in the areas of public art for all of our enjoyment, united arts fundraising, arts education, including interfacing with our public schools, and emerging a new generation of leadership in the arts. Americans for the Arts also strongly endorses opportunities for students to participate in visual and performing arts in the schools.

We know that learning and participating in music, dance, theater, and the visual arts is vital to the cognitive development of our children and to our communities, and too frequently, Madam Speaker, it is given short shrift in our public schools.

Americans for the Arts played a key role in the formation and establishment of the National Endowment for the Arts in 1965, which has been the main Federal agency dedicated to funding arts groups around the country. It offers grants for State and local arts projects, national initiatives, and scholarships to students who pursue a higher education in the arts.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 1582 honoring and saluting Americans for the Arts on its fifth anniversary, and I am honored to have the privilege of joining with the distinguished chairwoman of the House Rules Committee, the gentlewoman from New York. As cochairs of the Congressional Arts Caucus, I was delighted to join with her in sponsoring this resolution. I appreciate her great leadership in promoting arts and helping to advance the cause of arts.

Again, I speak as a dad, those boys I referenced earlier, my sons, T.J. and Tom, I have seen what a great blessing it has been to them being exposed to the arts throughout their lives, and how it has enriched them and allowed them to be even better students in other subjects as well.

Today I stand in support of this resolution. Americans for the Arts is the Nation's leading nonprofit organization for advancing the arts in America. It was founded and chartered in 1960 in Winston-Salem, North Carolina, by first board president George Irwin and a group of arts supporters with the mission of enhancing public and private support for the nonprofits arts and serving local arts councils in the United States. The organization played an integral role in the formation and establishment of the National Endowment for the Arts in 1965, and today Americans for the Arts serves more than 150,000 organizational and individual members and stakeholders.

The organization's goals are achieved in partnership with local, State, and national arts organizations, government agencies, business leaders, individual philanthropists, and educators throughout this country. Americans for the Arts provides extensive arts-industry research and professional development opportunities for community arts leaders via specialized programs and services, including a content-rich Web site and an annual national convention.

Local arts agencies throughout the United States comprise Americans for the Arts' core constituency. A variety of unique partner networks with particular interests such as public art, united arts fundraising, arts education, and emerging arts leaders are also supported.

Americans for the Arts strives to ensure the arts thrive in America. It also produces annual events to heighten visibility for the arts, including the National Arts Awards and Arts Advocacy Day, which annually convenes arts advocates from across the country to advance Federal support of the arts, humanities, and arts education.

Today, we congratulate and honor Americans for the Arts for its 50 years of service representing and serving local communities and creating opportunities for every American to participate in and appreciate all forms of the

arts. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I am pleased to yield 3½ minutes to the co-chair of the Congressional Arts Caucus and the chair of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, it is a great pleasure to be here with a member of the Rules Committee and my cochair of the Arts Caucus. It is wonderful to work with Mr. PLATTS, and I appreciate the kind words that he said about the work that we do.

I rise today to honor the 50th anniversary of Americans for the Arts. As the leading nonprofit organization for advancing the arts and arts education in the United States, Americans for the Arts continues to be dedicated to representing and serving local communities and creating opportunities for participation and enjoyment in all forms of the arts.

Founded in 1960 in Winston-Salem, North Carolina, the original mission was and continues to be to enhance support for the nonprofit arts. In 1965, Americans for the Arts played a key role in the establishment of the National Endowment for the Arts. A half century later, Americans for the Arts continues to foster the arts at the local, State, and national level.

Under the remarkable stewardship of Robert Lynch for the last 25 years, Americans for the Arts has provided leadership and training to local public and nonprofit agencies through a national network of arts and business councils, business committees for the arts, and local and State agencies.

Research by Americans for the Arts measured the economic impact of the arts, which was a wonderful piece of work and gave us a lot of ammunition on the Arts Caucus. It showed that approximately 100,000 nonprofit cultural organizations generate $166.2 billion in economic activity every year—now that is a great return on not much money—supporting 5.7 million jobs. In my congressional district alone, there are over 1,200 arts-related businesses employing almost 16,000 people.

In addition to fostering art jobs in our local communities, Americans for the Arts has worked to promote the importance of arts education in the public schools. Young people who regularly participate in arts programs are more likely to have better attendance records, to be involved in their school government, excel in their academics, and develop the creative and innovative skills necessary for us to compete in the 21st century global workforce.

Through national events like Arts Advocacy Day, Americans for the Arts brings national attention to the importance of arts throughout our Nation. The arts define our culture and instill unique character in the communities across our Nation. Art transcends barriers of language, time, and generation, translating cultural differences, breathing life into history, and bridging experience across cultures. They accomplish the seemingly impossible task of both revealing our differences across the globe while managing to illuminate all that connects us.

I thank Americans for the Arts and the wonderful staff and all of the people who have devoted so much of their working careers to this noble effort. And of their wonderful, fine accomplishments that they have achieved over 50 years, I am sure that the next 50 will produce even more great work, and we will all continue to enjoy the richness that the arts provide to each of our lives.

Mr. PLATTS. Madam Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Michigan (Mr. EHLERS), both a strong supporter of the arts as well as computer science education, the last resolution that we adopted. He has been a great leader in these areas to us.

Mr. EHLERS. I thank the gentleman for yielding. First of all, I will say that I do support the arts. In fact, in a town meeting once, I was attacked by one of my constituents for my support of the arts. He objected to the amount of money that I had voted for for the National Endowment for the Arts.

I told him that I hated to take up too much time in my town meeting defending myself on that issue, and I would appreciate very much if he would write me a letter and send it to me with his reasons for why he felt that way. Then I added to that, I told him if you do in fact write me a letter, the amount you pay for the paper, the envelope, and the stamp will exceed the total amount that you have paid toward the National Endowment for the Arts. It was a simple calculation. I see my fellow physicist smiling because that is the sort of thing he would do, too. I calculated the per capita cost of the National Endowment for the Arts, and, indeed, it was less than the cost of the paper, envelope, and stamp.

□ 1630

The audience laughed. I don't think the person who asked the question was laughing very much, but he took it in good spirit.

What I want to do is to make some comments about the previous resolution which was passed, which is something I submitted last year and again this year. I think it is important to emphasize it because we are losing the computer science battle among the nations of the world. I did not realize the extent of that until one of my constituents at Calvin College—literally in my backyard—Dr. Joel Adams, met with me. He explained what was happening nationally with the enrollments in computer science, and they were alarmingly low.

So last year, for the first time, we established a day of recognition for computer science and to honor the birthday of Grace Murray Hopper, one of the first female computer scientists. This will mark the second annual celebration of this important week.

Computer technology and the innovations it yields are transforming our world and are critical to the global competitiveness of our economy. Not only that, they are very important in developing the science of cyberwarfare, on which we are trying to get up to speed, but we are not preparing an adequate and diverse workforce to meet the ever-growing demand for the information technology sector, which includes some of the country's most innovative and successful companies.

While it is very important that students in K–12 are exposed to computer science, many do not get a chance to learn about it in schools today. The lack of understanding of computer science and how it fuels innovation in science, technology, engineering, and mathematics disciplines contribute to a lack of interest in computing careers, especially among women and underrepresented minorities, whose participation rates in computer science are among the lowest of any scientific field. By introducing students to computer science at an early age and by providing them with learning experiences in computer science at all levels, we can reverse this trend and can expand and diversify our technology workforce.

I am very pleased that Congressman POLIS joined me in introducing this resolution. Also, I thank Cameron Wilson from the Association for Computing Machinery, and I thank Joel Adams with the Department of Computer Science at Calvin College for their efforts in raising awareness about the importance of computer science education. In addition, I thank Julia Jester, formerly of my staff, for her help in drafting and introducing this resolution, as well as for her dedicated service as the staff director of the STEM Education Caucus.

I ask all of my colleagues to join in supporting the designation of the second annual National Computer Science Education Week to raise awareness about these important issues.

Once again, I thank Congressman TODD PLATTS for giving me the time to insert extraneous material on this particular topic of the arts.

Mr. POLIS. Again, I thank Mr. EHLERS for his remarks. It has been a pleasure for these past 2 years to cosponsor and to raise awareness of National Computer Science Education Week.

Madam Speaker, I am now pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman from Colorado.

Madam Speaker, I rise as an original cosponsor of H. Res. 1582, to honor and salute Americans for the Arts on its 50th anniversary. My colleagues should not be surprised that two of the scientists here on the floor, the gentleman from Michigan and I, would rise to speak in favor of the arts.

I want to commend Representative SLAUGHTER for introducing this important resolution but especially for her tireless work to champion the arts and to remind us all of the importance they play in our lives and in our society.

As a member of the Congressional Arts Caucus, I believe that the arts play a crucial role in our society—enhancing our creativity, promoting critical aspects of education, and providing Americans with opportunities to view works of beauty and personal expression. Through the arts, we as a Nation, as a people, come to know ourselves. We push our boundaries, and we break free of our prejudices. Furthermore, the arts inspire our children to explore their own creativity and to encourage positive development in the course of their educational careers.

Has anyone here not observed how a student can blossom academically after the student finds a sense of accomplishment and achievement through artistic expression? The arts are a fundamental component of our society and warrant Federal funding.

Americans for the Arts was chartered in 1960 in North Carolina with the ''mission of enhancing public and private support for the nonprofit arts and serving local arts councils in the United States.'' Fifty years later, we all owe Americans for the Arts a debt of gratitude for successfully accomplishing this mission year in and year out. A few years after they were formed, Americans for the Arts helped establish the National Endowment for the Arts, which, to this day, has exposed millions of Americans to the arts and has supported local artists in a multitude of disciplines.

Even in this difficult economy, Americans for the Arts has continued to lead by supporting local public and nonprofit arts agencies. Americans for the Arts has also continued to help expose a new generation of students to the arts, both in and out of school. Further, as the gentlewoman from New York reported, Americans for the Arts has noted in its report of ''Arts and Economic Prosperity'' across the country that the ''nonprofit arts and culture industry generates $166.2 billion in economic activity every year.'' The report also details that the arts support 5.7 million jobs and generate $29.6 billion in government revenue. So not only are the arts good for our cultural development as a society, but they are good for our economic development as well.

While today we are recognizing Americans for the Arts for their first 50 years of accomplishments, we here should wish them well for the next 50 years. We need Americans for the Arts to remain, for years to come, a vital institution in our society.

Mr. PLATTS. Madam Speaker, I again would be honored to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding again.

Madam Speaker, I would like to follow up on comments made by my fellow physicist, Dr. HOLT, about how art is spreading and multiplying.

In the city of Grand Rapids, Michigan, the center of my district in my hometown, we have established the ArtPrize. A relatively young man by the name of Rick DeVos started this last year. It has been extremely successful. There have been entries from all over the world—many very, very good entries. We have just this week started again the ArtPrize for this year, again under the leadership of Rick DeVos. With the assistance of his family, they have done tremendous work.

I could not believe the quality of the art that was on display last year when my wife and I and some members of my family strolled through the streets of Grand Rapids. Every corner, every street, every building front, and every building lobby was filled with art. We attracted some 300,000 people to our city just to see the art that was on display.

This is an example that I would hope would be followed someday by most of the cities of our Nation. Certainly, in the meantime, though, it is a wonderful event, and it brings in many people from different parts of the country and, indeed, from different parts of the world to view the wonderful art that is on display in my hometown of Grand Rapids, Michigan.

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

Mr. POLIS. Madam Speaker, Americans for the Arts' research has shown that over 100,000 nonprofit cultural organizations in the United States generate over $166 billion in economic activity each year, supporting jobs and generating government revenue.

□ 1640

I want to thank my chairwoman, Representative SLAUGHTER, for introducing this important resolution, and once again express my strong support for House Resolution 1582, which honors Americans for the Arts on their 50th anniversary. I urge my colleagues to join me in supporting this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1582.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL POSTDOC APPRECIATION WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1545) expressing support for designation of the week beginning on the third Monday in September as ''National Postdoc Appreciation Week''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1545

Whereas research is the mechanism by which humankind achieves innovation and progress;

Whereas in order for the United States to maintain a leadership role in the world, citizens must be well educated to harbor the world's best scientists, engineers, and researchers in all fields of study;

Whereas postdoctoral scholars (postdocs) make up one of the most substantial driving forces for innovation and research;

Whereas the base of available knowledge is increasing exponentially;

Whereas given such rapid rates of knowledge expansion, increasing levels of training and education are required beyond the average undergraduate level and even beyond graduate study levels to generate the next generations of innovators in every field of study;

Whereas postdocs conduct work and studies in a complex transition period while being both trainees and paid professionals; and

Whereas the week beginning on the third Monday in September would be an appropriate week to designate as ''National Postdoc Appreciation Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Postdoc Appreciation Week'';

(2) recognizes the accomplishments and contributions postdocs make to relevant departments, institutions, fields, and communities around the United States and the world;

(3) recognizes the career development and other professional needs of postdocs in every field of study; and

(4) encourages the improvement of training and career opportunities in various research fields at all levels of training and stages of all research careers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1545 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 1545, which supports designation of this week as National Postdoc Appreciation Week.

Postdoctoral students, or postdocs, are academic or scholarly researchers who have recently completed their doctoral studies and are deepening their

expertise in a subject through mentored research or scholarly training. Postdocs often produce important works for publication in their field and bolster institutional research capabilities. They are a critically important source of innovation and are responsible for much of the cutting-edge research performed in this country that leads to the creation of jobs. This research has led to scientific developments and critical advancements in health, science, computers, and technology. Many postdocs later become full- and part-time faculty at our Nation's research institutions, teaching the next generation of undergraduates and graduates and continuing to build upon their research.

In all these ways and more, postdocs represent the best and brightest products of our research universities, and the future of our Nation's research efforts rests largely on their shoulders. Unfortunately, despite their great academic performance and contributions, postdocs are routinely provided with poor working conditions, paid low wages relative to their years of training, while working long hours, and are frequently ineligible for medical benefits, worker's compensation, disability insurance, paid maternity or paternity leave, or retirement accounts. Too often, postdocs are isolated and have little support from the institutions that benefit directly from their research.

In April of this year, the Education and Labor Committee held a field hearing to examine problems with first contract labor negotiations between the University of California and their postdoctoral scholars' union. It took the postdocs 3 years to unionize, and in November 2008, the Postdocs Union was finally certified by the California Public Employment Relations Board. This August, I am happy to say, the postdocs were able to complete their first contract negotiations, and we congratulate them on securing economic justice for themselves and their families.

It is impressive to see postdocs who not only excel in their personal lab work, but also give of their time and energy and leadership talents in order to improve working conditions in the lives for everyone in their field.

National Postdoc Appreciation Week helps to increase awareness of the many contributions postdoctoral scholars have made and continue to make to scientific research in America and the need to guarantee that they have fair employment standards in order to continue pursuing critical lifesaving research.

Last year, in September of 2009, over 70 U.S. research institutions participated in the first National Postdoc Appreciation Day. This year, Postdoc Appreciation Week provides an opportunity for institutions of higher education—like the University of Colorado at Boulder in my congressional district—businesses, research organizations, and others to honor and support the contributions of postdocs.

Madam Speaker, I want to thank Representative STEARNS for introducing this resolution and once again express my support for National Postdoc Appreciation Week, beginning the third Monday in September. I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 1545, expressing support for designation of the week beginning on the third Monday of September—this week—as National Postdoc Appreciation Week, and join with the gentleman from Colorado in recognizing Mr. STEARNS, the gentleman from Florida, for his sponsorship of this resolution.

Postdoctoral research is academic or scholarly research conducted by a person who has completed his or her doctoral studies, normally within the following 5 years. It is intended to further deepen expertise in a specialized subject area, including necessary skills and methods. Postdoctoral research is often considered essential to the scholarly mission of the host institution and is expected to produce relevant publications accordingly.

Postdoctoral research may be funded through an appointment with a salary or an appointment with a stipend or sponsorship award. Appointments for such research positions may be called postdoctoral research fellow, postdoctoral research associate, or postdoctoral research assistant. Depending on the type of appointment, postdoctoral researchers may work independently or under the supervision of a principal investigator.

Postdocs make invaluable contributions to the research enterprise, which is important if the United States is to remain competitive in a global market. To do so, we must make every effort to attract the best and the brightest men and women from all groups, including international scholars, to ensure that progress and innovation takes place in all fields of study.

Today, we recognize the accomplishments and contributions postdocs make to relevant institutions, fields of study, and communities around the world. We encourage the improvement of training and career opportunities in various research fields at all levels of training and stages of all research careers.

I urge all my colleagues to join in supporting this resolution.

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

Mr. POLIS. I thank the gentleman.

Madam Speaker, I encourage my colleagues to join me in supporting National Postdoc Appreciation Week beginning, again, the week of the third Monday in September. I encourage my colleagues to join me in supporting this resolution and showing strong support for the work and the contributions of postdocs across this country.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1545.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM REEXTENSION ACT OF 2010

Ms. WATERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 3814) to extend the National Flood Insurance Program until September 30, 2011.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3814

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 ''National Flood Insurance Program Reextension Act of 2010''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise today to speak in support of S. 3814, the National Flood Insurance Program Reextension Act of 2010, which would extend the National Flood Insurance Program through September 30, 2011.

The flood insurance program provides valuable protection for approximately 5.5 million homeowners. Unfortunately,

the lack of a long-term authorization has placed this program at risk. The program has lapsed three times now since the beginning of this year, for 2 days in March, for 18 days in April, and again from June 1 to July 1. These lapses meant that FEMA was not able to write new policies, renew expiring policies, or increase coverage limits.

□ 1650

This also means that each day, 1,400 home buyers who wanted to purchase homes located in flood plains are unable to close on those homes. Given the current crisis in the housing market, this instability in the flood insurance program is hampering that market's recovery and must be addressed.

This is why last June I introduced and President Obama signed into law H.R. 5569, the National Flood Insurance Program Extension Act of 2010. That legislation extended the program through the end of this month. However, the expiration of this law is now upon us, so I am pleased that the House and Senate are taking preemptive action to extend the Flood Insurance Program for an additional year so that we don't experience a repeat of the lapses that plagued the first half of 2010.

Given the importance of the flood insurance program to America's homeowners and communities, I hope that the Senate can act quickly to pass my comprehensive flood insurance bill, H.R. 5114, the Flood Insurance Reform Priorities Act of 2010. This bill passed the House July 15 of this year on a strong bipartisan vote of 329–90.

My bill would restore stability to the flood insurance program by reauthorizing the program for 5 years and would address the impact of new flood maps by delaying the mandatory purchase requirement for 5 years, then phasing in actuarial rates for another 5 years.

My reform bill also makes other improvements to the program by phasing in actuarial rates for pre-FIRM properties, raising maximum coverage limits, providing notice to renters about contents insurance, and establishing a flood insurance advocate similar to the taxpayer advocate at the Internal Revenue Service.

I hope that the Senate can pass this much needed legislation as soon as possible.

In the meantime, I urge my colleagues to stand with me in support of S. 3814 so that the flood insurance program can continue to serve our homeowners and communities without interruption.

I reserve the balance of my time.

Mrs. CAPITO. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S. 3814, which extends the National Flood Insurance Program through September 30, 2011. I feel like we're deja vu all over again. We've done this several times, I think, in the last several months and years. That timeframe will give us ample opportunity to craft a bill that fundamentally reforms the program, which needs fundamental reform.

It's unfortunate this Congress has, to date, been unable to enact comprehensive reform of the flood insurance program. Currently, as we know, the flood insurance program is carrying a debt of $18 billion. The program remains underfunded and unable to meet its potential obligations. And its financial shortfall continues to place taxpayers at risk for the cost of property losses caused by flooding.

On July 15, 2010, the House approved H.R. 5114, the Flood Insurance Reform Priorities Act, which included many constructive reforms. However, many of us on this side of the aisle felt that the measure did not go far enough to put the NFIP on a path towards sound financial footing. In fact, despite the reforms included in H.R. 5114, which included several Republican amendments, the CBO projected that if H.R. 5114 were enacted, the National Flood Insurance Program would still need to borrow additional funds from the U.S. Treasury to cover losses and would exhaust its current borrowing authority by the year 2013.

Today, to avoid another lapse in a program that serves 5.5 million residential and business property owners, we are considering S. 3814, the National Flood Insurance Program Reextension Act of 2010, which passed the Senate by voice vote on Tuesday, September 21, 2010.

S. 3814 provides for a straightforward 1-year extension of the NFIP, which otherwise would expire on September 30. According to the Congressional Budget Office, enactment of this bill would have no net impact on the Federal budget.

Madam Speaker, we must move forward with fundamental and fiscally responsible reforms of the Flood Insurance Program. S. 3814 extends the NFIP, as I've said, through September 30, 2011, allowing borrowers in flood-prone areas like mine to close on their mortgage loans and providing Congress the time it needs to enact real reforms. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Ms. WATERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, S. 3814.

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.

PERSONAL EXPLANATION

Mr. FRANK of Massachusetts. Madam Speaker, earlier today while the House was voting, I was presiding at a meeting with the Secretary of Commerce, Mr. Locke, and several people from the fishing industry, as well as some of our colleagues from the Senate and later from the House. It was a very important meeting affecting the future of our fisheries, and it was impossible to get another time when we could all get together with Secretary Locke, and there were people from the fishing industry and the mayor of New Bedford who had come up.

For that reason I missed five votes. I missed the votes on H.R. 5307, 5756, 3199, 1745, and 5710. I would have voted ''yes'' on all of them, and fortunately, I wasn't needed because they all passed handily without me.

But I did want to explain that I missed those votes because of my need to be at this very important fisheries meeting.

FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. FRANK of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (S. 3717) to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3717

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

SECTION 1. APPLICATION OF THE FREEDOM OF INFORMATION ACT TO CERTAIN STATUTES.

(a) AMENDMENTS TO THE SECURITIES AND EXCHANGE ACT.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x), as amended by section 929I(a) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111–203), is amended by striking subsection (e) and inserting the following:

''(e) FREEDOM OF INFORMATION ACT.—For purposes of section 552(b)(8) of title 5, United States Code, (commonly referred to as the Freedom of Information Act)—

''(1) the Commission is an agency responsible for the regulation or supervision of financial institutions; and

''(2) any entity for which the Commission is responsible for regulating, supervising, or examining under this title is a financial institution.''.

(b) AMENDMENTS TO THE INVESTMENT COMPANY ACT.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30), as amended by section 929I(b) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111–203), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) AMENDMENTS TO THE INVESTMENT ADVISERS ACT.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10), as amended by section 929I(c) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111–203), is amended by striking subsection (d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this matter and to insert therein extraneous material.

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

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, this is a bill that reflects cooperation not just between the parties but, sometimes even harder to achieve, between committees. This is a joint product of deliberations among the gentleman from Alabama, the ranking member of the Financial Services Committee; myself; and other members—Mr. CAMPBELL of California, for example, and the chairman and ranking member of the Committee on Government Reform and Oversight, Mr. TOWNS and Mr. ISSA.

This goes back to 2006. In that year, Christopher Cox, then the chair of the Securities and Exchange Commission and our former colleague, sent to the Congress a request that we give an amendment to the SEC law dealing with freedom of information. And it was an entirely reasonable request.

What they said was, the SEC from time to time obviously gets information from private entities that they are investigating. What they were afraid of was the company saying, But, you know what, if you take our data, it will then be a matter of public record, and we may have proprietary information; we may have information that we have every legal right to keep confidential, competitive reasons to keep confidential; and, therefore, unless you can assure us that this will not be made public, we're going to fight you. And that made it harder for the SEC to get this. So it was particularly the enforcement arm of the SEC that asked for it.

When Mr. Cox asked for it in 2006, no action was immediately taken. But in 2008, the House did unanimously pass the bill on a voice vote in a suspension granting that power. It never got acted on in the Senate.

□ 1700

Last year, 2009, both the House and the Senate included that provision in our versions of the financial reform bill. Although the financial reform bill was obviously heavily debated between the parties, no one on either side raised any objection to that provision, which had been out there in plain sight, because it was seen as enabling enforcement.

Subsequently, a lawsuit was brought by Fox Business News against the SEC involving information as to how they handled the Madoff case. Of course, the answer, as we all know, is the way they handled the Madoff case is they didn't until far too late. What happened then was Fox News brought a lawsuit. And someone at the SEC inappropriately cited this provision, which had been enacted in the financial reform bill, as a reason why they couldn't go along with the lawsuit.

As I noted, this had been in both Houses' versions. It was in the conference report. It sat there. So I want to be very clear nothing about the adoption of this exemption from FOIA was underhanded or secretive. It was out there and publicly debated. None of us knew, perhaps could have known, what the implications were.

Once that became clear, a consensus developed that this was an exemption that was far too broad. We then talked about what to do about it. But as Members know, we are in a short session now, with only another week after this to go. Doing this right is somewhat complex because there are some subtleties.

Here is the point we want to make clear: we don't want the SEC at any point to be able to shelter information about what it's doing. On the other hand, we don't want a situation where if company A is suing company B because company B's data had been requested by the SEC for some unrelated purpose, we don't think company A should be able to get easy access to that data when they otherwise could not have gotten it under our law.

We all talked about this, but we also thought it was very important to set the principle that there were no exemptions from the SEC. In defense of Chairman Schapiro, she promulgated rules that made it very clear that the SEC would never invoke it. And when she testified before our committee, she made a point of saying that it would never be used in the Fox lawsuit. But it was not enough for us. Even those who agreed with the guidance subsequently pointed out it could be changed in a further period.

So we all agreed it was important to act. While we were deliberating, something which we are not used to, frankly, happened. The Senate moved quickly. Let me repeat that: the Senate moved quickly. Last night, the Senate adopted a version of a fix for this, an amendment substantially narrowing it, sponsored by the gentleman from Vermont (Mr. LEAHY), the chairman of the Judiciary Committee. Over there the Judiciary Committee did it.

The bill he got the Senate to pass is substantially similar to a bill that was drafted by, or introduced by, our colleague, the gentleman from New York (Mr. TOWNS), the chairman of the Government Reform Committee. The gentleman from California (Mr. ISSA) had another very vigorous approach to this.

We had a useful hearing in which it became clear to us that the exemption went much too far, but there was this issue that we talked about of not allowing this to be a way around legitimate protections for business A and for business B. Making it very clear that the SEC would never be protected by it, that whistleblowers would not be harmed by it, but we had that narrow fix.

What we decided to do, and I know the gentleman from California (Mr. ISSA), the gentleman from Alabama (Mr. BACHUS) are here, Mr. TOWNS has agreed with us, the four of us agreed, of the two committees of jurisdiction, that the best thing to do in this climate was to accept the Senate bill. Yes, we would make some changes if we could, but this is a very important issue for public confidence. We did not want to risk this bill dying in a House-Senate disagreement.

So what we are proposing to do here today is to accept the bill that Senator LEAHY put forward, send that to the President, which we hope he will sign. We will then begin, among the two committees, and in a totally bipartisan way and involving both committees, come up with language that will do the one thing that we think needs to be done to prevent this from being a pawn in an intercompany lawsuit, and at the same time that will, we think, serve the SEC's legitimate purpose of not engendering resistance to their request.

I note we have been joined by the gentleman from New York (Mr. TOWNS).

I reserve the balance of my time.

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

Madam Speaker, I rise in support of S. 3717. At the risk of some political damage, I associate myself with the remarks of Chairman FRANK.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I yield to the gentleman.

Mr. FRANK of Massachusetts. I think on that you will get cover from the gentleman from California (Mr. ISSA).

Mr. BACHUS. I thank the chairman.

This amendment repeals section 929I of the Dodd-Frank bill that grants the Securities and Exchange Commission a broad exemption for disclosure under the Freedom of Information Act.

A hearing that the Financial Services Committee held on this provision last week yielded a bipartisan agreement that the section needed to be tailored more narrowly. And this was consistent with what Chairman ED TOWNS and Ranking Member DARRELL ISSA had determined in the Oversight and Government Reform Committee. I want to commend Chairman TOWNS and Ranking Member DARRELL ISSA for their leadership on this matter and for their draftsmanship on amendments which we think are actually more proper than the Senate amendment. But as Chairman FRANK said, the Senate amendment is an improvement over the existing provision. I think it merits bipartisan support.

Additionally, I want to thank SEC Chairman Mary Schapiro, who expressed her willingness early on to

work with the committee in a spirit of cooperation to address the concerns that we had raised about the section.

Madam Speaker, the Dodd-Frank Act confers significant new supervisory, rulemaking, and investigative powers on the SEC. Combining these broad powers with the existing powers, and then with the provision that appears to insulate the SEC, or could be interpreted as insulating the SEC, from public scrutiny has caused an understandable alarm and angst among Members on both sides of the aisle.

Congress must support a legislative fix; but as Chairman FRANK said, they must support one that not only ensures proper accountability at the SEC, but also doesn't undermine the agency's ability to effectively exercise supervision over the thousands of companies that it's responsible for overseeing in a post-Dodd-Frank world.

Now, someone might ask, well, why wouldn't they disclose all information? To give you an example a little closer to home, the IRS requires us to file documentation every year, our income tax returns, and they have a proper motive behind that. But, obviously, I think most of us would agree that the general public does not have a right to that information in a carte blanche way. That's also true of our health records. We place great value on the confidentiality and our privilege that our health records won't be disclosed. And we have faced those matters before in this House.

And that's true of companies that have confidential, proprietary, or sensitive information, that they have some assurance that that information will not be shared. Because the purpose of the SEC is not to share that information. The purpose is to investigate and enforce their rules. To her credit, as I said, Chairman Schapiro has been forthright with Congress and the American people in acknowledging past failures at the SEC in protecting investors and regulating large investment banks.

We can all agree that the agency that presided over the collapse of some of the largest financial institutions on Wall Street and allowed Bernie Madoff to perpetrate the largest financial fraud in American history must be fully transparent in its operations, and that any statutory departures from that general rule of openness must be narrowly defined because they should be accountable to the American people, and also to scrutiny of the media and the press, which can be an important governor or safeguard.

□ 1710

While this bill coming over from the Senate makes some improvements to section 929I, it's not a perfect solution. As I said, we would have preferred something more in line with what Chairman TOWNS and in my mind Ranking Member ISSA have proposed; and we look forward to working with Chairman FRANK and Chairman Schapiro of the SEC as well as Chairman TOWNS.

However, we are sensitive to the fact that an outright repeal of the section could result in the SEC being compelled to release proprietary information in response to subpoenas issued in litigation to which the commission is not a party; and as Chairman FRANK said, it could actually result in an increase in litigation of companies not willing to disclose certain information or gaining injunctions by courts, and there would be some basis without some information being privileged. I commend Chairman FRANK for also acknowledging their legitimate concern, and that is the SEC's legitimate concern during the committee's hearing on the issue last week when he stated that whatever amendment we propose for section 929I should not provide an opportunity for third parties to engage in an SEC ''fishing expedition'' seeking a company's proprietary information; and I think that was a very succinct description of what we want to avoid.

In closing, Madam Speaker, the challenge for this Congress is to strike a proper balance, one that ensures that the SEC has real-time access to the kind of sensitive, proprietary information it needs to catch the next Bernie Madoff, while also giving the public the tools it needs to hold the agency accountable when it fails to fulfill its mission of protecting investors and policing our financial markets. Acknowledging the amendment we are considering is an important and significant improvement over the status quo—and as Chairman FRANK we are actually very encouraged that our colleagues on the other side of this Capitol have acted in a speedy manner—it will still be necessary to revisit this issue. With Chairman Schapiro's cooperation, I am confident that we, working in a bipartisan way, can arrive at a solution that achieves a proper balance between disclosure and protection of sensitive proprietary information in the next Congress. The American people, and those dealing with the SEC, deserve nothing less.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield such time as he may consume to my colleague and coworker on this, the chairman of the Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Let me begin by thanking you, Mr. Chairman, for a hearing and arranging for us to be where we are here today.

I rise in strong support of S. 3717, a bill to improve transparency at the Securities and Exchange Commission. I introduced a companion bill, H.R. 6086, on August 10, 2010.

The landmark Dodd-Frank Wall Street Reform and Consumer Protection Act made significant improvements to the accountability and transparency of our Nation's financial system. But the Dodd-Frank Act includes a secrecy provision that I believe undermines the purposes of the act. This provision allows the SEC to avoid disclosing virtually any information it obtains under its examination authority.

S. 3717 repeals that provision. This legislation strikes a careful balance to address concerns raised by the SEC without compromising the goals of transparency and accountability that are at the heart of the Dodd-Frank Act.

In a letter supporting this legislation, a coalition of over 30 public interest organizations wrote that ''this bill sends a clear message that public access is vital to accountability.'' I would like to thank Senator LEAHY, I would like to thank Congressman ISSA, I would like to thank Congressman BACHUS, and I want to thank Chairman FRANK, first of all for giving us a hearing and his support in bringing this bill to the floor and, of course, his consideration of doing that has made the difference in the reason why we are here today.

I urge my colleagues to support this legislation. This is good government legislation. And, of course, we need good government legislation.

Mr. BACHUS. Madam Speaker, I yield such time as he may consume to the very capable ranking member of the Oversight and Government Reform Committee, the gentleman from California (Mr. ISSA).

Mr. ISSA. I thank my friend and fellow ranking member.

Chairman FRANK, I am perfectly happy to work with you on this. I'm perfectly happy to be associated with you. When people who are considered at least in their own districts as smart come together and realize that we reached the wrong conclusion, we allowed a bill that we worked on hard, in which each of us had victories and failures, each of us would say something was flawed, to have a flaw that was not picked up by any of us or by countless staff. That is what Senate bill 3717 at least partially undoes.

The Dodd-Frank Act was not envisioned to cause the problem that it clearly caused. We can find no evidence of anybody deciding that we would simply shut down the ability for FOIA, and yet that was the effect it had. When this was brought to congressional awareness, multiple bills, including one that myself dropped and also one that Chairman TOWNS put, plus Senate bills, all were feverishly put in in order to unring the bell. I would say today that we are considering an A version of the unring-the-bell type bill; but I am particularly pleased that on numerous occasions, working with Ranking Member BACHUS and with Chairman FRANK, we have agreed that this is only a first step. It's the one you can do in the latest days of a Congress, knowing that in fact follow-on legislation is required.

This is in addition to the promise that Chairman FRANK made me in open session when we were unable to get some of the provisions that Chairman

TOWNS and I had offered, had been accepted, that were rejected by the Senate. So I am pleased today that when we look and realize that we have, as Ranking Member BACHUS said, we have the chairwoman of the SEC on our side, we have the chairman of both the committee that I serve on, the Government Oversight Committee and the Financial Services Committee, plus both of us as ranking members saying that sometimes you just have to take ''yes'' for an answer. The Senate has moved and moved quickly. This is a step in the right direction. For all those entities who have historically filed and believed in good faith they were entitled to freedom of information delivery, we're taking a step back to where we were.

I might note that only a fraction of those applications are ever granted and the SEC is but once ever reversed when they deny FOIA. So we believe this does not open Pandora's box, that section 929I will in fact still be intact for purposes of privacy, something that we think is important.

We do note, and I think we're noting in every single statement, that we need to ensure that additional work is done to make certain that no one uses FOIA as a backdoor way to receive information in litigation or other matters that they would otherwise not receive. We certainly do not want to have the SEC be a place that you withhold by any means possible information even when you have nothing to hide because, of course, as we know, voluntary compliance is what allows the SEC to do what they should do which is look for those who are not following the rules.

□ 1720

So in my support of Senate 3717, I certainly would say it's a big step in the right direction. It's one in which I believe all four of us, as chairmen and ranking members, are here today to say we support it. We are glad that it will be in front of the President in a matter of days.

In the next Congress, we will put together, with all four of our staffs, the kind of additional follow-on legislation that the American people expect after any large piece of legislation. I, for one, would like to thank Chairman FRANK. I do want to be associated with his intellect and hard work and immediate grasp that this and other matters need to be followed on.

I don't know about the gentleman from Alabama, but I am happy to believe that smart people don't always reach the same conclusion. But if they are smart, they work on common solutions whenever possible.

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

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

The SPEAKER pro tempore (Ms. CHU). The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, S. 3717.

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.

GRANTING CONGRESSIONAL GOLD MEDAL TO JAPANESE AMERICAN BATTALION

Mr. CARSON of Indiana. Madam Speaker, I move to suspend the rules and pass the bill (S. 1055) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1055

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to ''4C''—the status of ''enemy alien'' which is ineligible for the draft.

(2) On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units.

(3) Further, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers, where they would live until being moved to permanent relocation centers.

(4) On June 5, 1942, 1,432 predominantly Nisei (second generation Americans of Japanese ancestry) members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, CA, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to train at Camp McCoy, Wisconsin.

(5) The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to reopen military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943.

(6) In that same month, the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it continued to train, and even though the battalion was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower, due to concerns over the loyalty and patriotism of the Nisei.

(7) The 442nd Regimental Combat Team later trained with the 100th Infantry Battalion at Camp Shelby in May of 1943.

(8) Eventually, the 100th Infantry Battalion was deployed to the Mediterranean and entered combat in Italy on September 26, 1943.

(9) Due to their bravery and valor, members of the Battalion were honored with 6 awards of the Distinguished Service Cross in the first 8 weeks of combat.

(10) The 100th Battalion fought at Cassino, Italy in January 1944, and later accompanied the 34th Infantry Division to Anzio, Italy.

(11) The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany.

(12) The battalion was awarded the Presidential Unit Citation for its actions in battle on June 26–27, 1944.

(13) The 442nd Regimental became the most decorated unit in United States military history for its size and length of service.

(14) The 100th Battalion and the 442nd Regimental Combat Team, received 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions.

(15) The United States remains forever indebted to the bravery, valor, and dedication to country these men faced while fighting a 2-fronted battle of discrimination at home and fascism abroad.

(16) Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

(17) The Military Intelligence Service (in this Act referred to as the ''MIS'') was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, collectively, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUNDS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON of Indiana. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. CARSON of Indiana. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, 6 weeks after the attack on Pearl Harbor, the United States Army discharged all Japanese Americans in the Reserve Officers Training Corps and changed their draft status to 4C or ''enemy alien,'' making them ineligible for the draft.

Japanese American military soldiers on the mainland were soon segregated out of their units. And in a matter of months, all people of Japanese ancestry, whether U.S. citizens or not, were ordered by the government to report to permanent relocation centers.

In spite of this treatment at home, thousands of Japanese Americans volunteered to serve in our military abroad—to protect our freedoms from the threat of fascism. In 1942 over 1,400 second-generation Japanese Americans, American troops, known as Nisei, were shipped to Oakland, California, to join up with the 100th Infantry Battalion.

Their excellent training record convinced President Roosevelt to reopen military services to Nisei volunteers. These were incorporated into the 442nd Regimental Combat Team. The battalion was deployed to Italy in 1943, where its members fought with valor, earning six Distinguished Service Crosses in the first 8 weeks.

The battalion was eventually integrated into the 442nd Regimental Combat Team where it fought with bravery for the remaining 11 months of the war. Together, these units received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts.

While these brave Japanese Americans fought for their country abroad, another 6,000 Japanese American soldiers became part of the military intelligence services. MIS soldiers conducted highly classified intelligence operations that were vital to U.S. military successes in the Pacific and in post-war Japan.

MIS soldiers intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender. Upon discharge from the Army, MIS soldiers were prohibited from discussing their wartime work; so their accomplishments were not known until many years later.

It is appropriate that Congress recognize the contributions of these brave Japanese Americans with the honor of a Congressional Gold Medal. Earlier this Congress the House passed similar legislation introduced by the gentleman from California (Mr. SCHIFF). So today I urge my colleagues to support the Senate version of this bill.

I reserve the balance of my time.

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

I rise in support of S. 1055, sponsored by Senator BOXER and recently passed by the Senate.

At this time I want to say to Congressman CARSON that I have many fond memories of his grandmother. Julia Carson and I served as cochairmen of the Zoo and Aquarium Caucus. She was a real lady, and I know she is very proud that you have taken her place representing the good citizens of Indianapolis. I would just like to acknowledge what a fine lady she was, and that's a heritage you can be proud of.

This legislation, as Congressman CARSON said, would award a Congressional Gold Medal collectively to the United States Army's 100th Infantry Battalion and the 442nd Regimental Combat Team in recognition of their exemplary service during World War II.

□ 1730

This bill makes minor additions to its House companion bill that Mr. CARSON mentioned by adding language in the findings and the existing Sense of Congress section that points out the contributions made by the Military Intelligence Service, which was made up of 6,000 Japanese American soldiers.

The House bill was cosponsored by 296 Members and agreed to by this Chamber in May of last year. I urge my colleagues to again support this legislation.

As we all know, the world changed instantly after the dreadful attack on Pearl Harbor on December 7, 1941. I think for the first time, on 9/11, many Americans could get some sense of what it must have been like to have lived during those times. And though its impact was felt by every American, Japanese Americans were hit particularly hard.

Six weeks after the attack, the U.S. Army discharged all Japanese Americans in the Reserve Officers Training Corps and changed their draft status to ''enemy alien.'' Active military Japanese Americans were segregated out of their units. We all know what happened afterwards. The U.S. and Canadian Governments gathered Japanese Americans in all the Western States and moved them to internment camps.

In June of 1942, the 1,400 members of the Hawaii Provisional Infantry Battalion were shipped from the Islands to Oakland and formed into the 100th Infantry Battalion, and then they were shipped to Wisconsin by train for training. Eight months later, based on the battalion's excellent training record, the President and War Department agreed to let second-generation Japanese Americans into the service, and they were formed into the 442nd Regimental.

Madam Speaker, the 100th Infantry Battalion was deployed the next year to the Italian front in September 1943, and while it encountered heavy fighting, it handled itself so well that its members earned six Distinguished Service Crosses in their first 2 months of action. The 442nd arrived in Italy 9 months later, after which the two units joined forces, fighting with distinction in Italy, France, and Germany to the war's conclusion.

Together, they received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars with 28 Oak Leaf Clusters, 4,000 Bronze Stars with 1,200 Oak Leaf Clusters, and more than 9,000 Purple Hearts.

This bill recognizes their service and appropriately provides for the collective awarding of a Congressional Gold Medal. It would be given to the Smithsonian Institution for display and for research purposes.

Madam Speaker, this award is long overdue. I urge its immediate passage.

I yield back the balance of my time.

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak in support of legislation granting

the Congressional Gold Medal to the Japanese American 100th Infantry Battalion and the 442nd Regimental Combat Team, commonly known as the ''Go for Broke'' regiments, as well as veterans of the Military Intelligence Service, for their dedicated service to our Nation during World War II.

It is an honor and a pleasure to offer humble thanks to this storied and inspirational group of men who answered their country's call in the face of tremendous adversity. Today, through final passage of a bill that will grant these regiments Congress' highest honor, we recognize those who have served our Nation at great risk, as well especially those who sacrificed all for our freedom.

These men served the Nation at a pivotal moment in our history, displaying their heroism and courage on two fronts—abroad in the fight against an absolutist fascism and at home in the face of the intolerance of racial injustice.

After the bombing of Pearl Harbor incited many doubts about the loyalty of Japanese Americans, these men who enlisted to protect our Nation were faced with segregated training conditions, family and friends relocated to internment camps, and repeated questions about their combat ability. It has been said many times about this group: to answer the call of duty requires exceptional courage and sacrifice, but to respond with a vigor and persistence unaffected by those who sought to malign and impede their every achievement reveals an incredible spirit and indomitable will.

Six weeks after Pearl Harbor, President Roosevelt issued Executive Order 9066, which authorized the internment of tens of thousands of American citizens of Japanese ancestry and resident aliens from Japan. But even as xenophobia gripped the country, Japanese Americans were already lining up to join the war effort.

In June of 1942, 1,432 members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, California, where the 100th Infantry Battalion was activated on June 12, 1942, and then were shipped to Camp McCoy, Wisconsin, for training. Thanks to the excellent training record of the 100th Infantry Battalion and petitions from prominent civilians and military leaders, President Roosevelt and the War Department reopened military service to Nisei volunteers.

Eventually, their exemplary training record convinced the doubters, and the 100th Infantry Battalion was deployed to the Mediterranean where they entered combat in Italy in September of 1943. Due to their bravery and valor, members of the Battalion were honored with six awards of the Distinguished Service Cross in the first 8 weeks of combat.

The 442nd Regimental Combat Team arrived in Italy in June 1944, where the 100th Infantry Battalion was formally integrated as a part of the 442nd Regimental Combat Team. As a unit, these regiments fought for the last 11 months of the war with selfless distinction in Italy, southern France, and Germany. Their performance in combat demonstrated their ability as remarkable soldiers; however, their poise, courage, and patriotism showed they were also remarkable men. They looked to support from their interned families, friends, and communities. And in turn, their service and commitment inspired their supporters back home to pursue aspirations of their own.

Today, we also honor the Military Intelligence Service, known as MIS, who were made up of several thousand Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to U.S. military successes in the Pacific theater. These men fought alongside U.S. and Allied combat units where they translated radio transmissions and enemy documents, interrogated prisoners, and completed reconnaissance and covert intelligence missions. Often they were faced with peril from both enemy and friendly forces—unrecognized by allies and attacked by enemies.

Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

The ''Go for Broke'' regiments and the MIS were not the only servicemen of Asian Pacific Islander descent to serve in World War II. I also want to recognize those groups who faced similarly daunting conditions at home and abroad—the 522nd Field Artillery Battalion, the 1399th Combat Engineer Company, the Women's Army Corps, the Filipino Scouts, and other heralded units. The ''Go for Broke,'' MIS, and other Japanese American men and women who have served deserve our continual rededication and appreciation. The debt we owe them is immeasurable.

Their aggregate service record speaks for itself and drove me to introduce legislation last year—this legislation—which recognizes these regiments with the Nation's highest and most distinguished civilian award—the Congressional Gold Medal. My colleagues in the House of Representatives saluted the valor of these regiments by voting unanimously last year on my bill to honor them with a Gold Medal. Recently, the Senate passed the bill authored by Senator Barbara Boxer with the same unanimous approval. With this vote today, we can begin to truly express our appreciation for a group of men who left a segregated country to fight and defend an America with no guarantee that their own freedom would be defended in return. Their true heroism lies in how they fought for values of America, equality, justice, and opportunity, even when those values were not fully extended to them.

We will continue to look towards their example to provide hope to our communities, to look past our differences, and to unite around our common bonds. Men and women are able to serve their country today without regard for ethnicity, race, or nationality because of what these men endured and accomplished.

It's an honor to be part of this moment, Madam Speaker, and I urge you to join me in recognizing these courageous men by supporting the granting of a Congressional Gold Medal, collectively, to the U.S. Army's 100th Infantry Battalion and the 442nd Regimental Combat Team and the Military Intelligence Service.

□ 1740

Mr. CARSON of Indiana. Madam Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank the gentleman from Indiana.

Madam Speaker, I rise to urge my colleagues to support S. 1055, which honors the thousands of Japanese-American veterans who served during World War II, and I thank my colleague, the gentleman from California (Mr. SCHIFF), for introducing the legislation in the House and for his eloquent words today in support of the Senate bill.

At a time when many of their fellow Americans questioned their loyalty to the United States, these Japanese-American soldiers enlisted and put their lives on the line to defend our freedoms overseas while fighting against fear and discrimination at home. S. 1055 awards the Congressional Gold Medal to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service in honor of their military service.

Many of the soldiers comprising these units were Nisei, the American-born sons of Japanese immigrants. Some served in the University of Hawaii's Reserve Officers Training Corps (ROTC), which aided the wounded, buried the fallen, and helped defend vulnerable areas in Hawaii after the attack on Pearl Harbor.

In spite of these acts of loyalty and courage, the U.S. Army discharged all Nisei in the ROTC unit, changed their draft status to ineligible, and segregated all Japanese Americans in the military on the mainland out of their units. During this time, more than 100,000 Japanese Americans were forcibly relocated from their homes to internment camps.

Undaunted, members of the Hawaii Provisional Battalion joined the 100th Infantry Battalion in California to train as soldiers. The sheer determination and pursuit of excellence displayed by this battalion in training contributed to President Roosevelt's decision to allow Nisei volunteers to

serve in the U.S. military again, leading to their incorporation into the 442nd.

Members of the 100th and the 442nd risked their lives to fight for our country and allies in Europe. The 442nd ''Go For Broke'' unit became the most decorated in U.S. military history for its size and length of service, with its component, the 100th Infantry Battalion, earning the nickname ''The Purple Heart Battalion.''

In addition, the 6,000 or so Nisei that comprised the Military Intelligence Service made vital contributions to wartime successes by conducting critical classified intelligence operations. Only in recent years has their invaluable service come to light, and it is long past due to acknowledge and honor the MIS's critical role during the war.

In the spirit of celebrating these courageous soldiers, I would like to share the stories of three men from Hawaii who overcame humble beginnings and adversity to become successful scholars and community leaders in Hawaii.

Kobe Shoji was a junior at Pomona College when he and his family received orders to go to an internment camp in Arizona. They brought nothing more than a suitcase with them to the camp. Kobe enlisted the next year and went to Germany to fight as a member of the 442nd. Although he was wounded twice, he came back to the States, never complaining about the discrimination that he and his family had faced, or about the wounds he suffered in the war. Kobe returned to complete his studies as though ''nothing had happened. . . . except we were all much more mature due to the wartime experience. We all had the feeling we must do something to make the world a better place to live.''

Kobe earned his doctorate in plant physiology from UCLA and moved to Hawaii thereafter to teach at the University of Hawaii and work as a respected agricultural expert. He later enjoyed watching his oldest son, Dave, coach the university's Rainbow Wahine volleyball team to many national championships.

Ken Otagaki is another example of resilience and success. As the second son of a field laborer on the island of Hawaii, Ken left home at the age of 12 to work in Honolulu on the island of Oahu as a houseboy before putting himself through college. After the attack on Pearl Harbor, Ken enlisted and joined the 100th Infantry Division, serving overseas as a litter bearer. In January 1944, Ken was near Cassino, Italy, when he and six other litter bearers were called upon to help soldiers in front of them. Ken and seven other soldiers faced a barrage of mortar shells from the enemy. Three were killed. Four, including Ken, were seriously injured and were not evacuated until nearly a day later.

Ken recuperated at Walter Reed Hospital and later received the Combat Infantry Badge and the Purple Heart. Ken wrote to his sweetheart, Janet, telling her that he had lost his right leg, two fingers on his right hand, and the sight in his right eye. Their daughter, Joy, recalled that her mother thought that her father ''wasn't going to sit around feeling sorry for himself.'' Ken and Janet married later that year.

Because of his war injuries, Ken had to give up his plans to become a medical doctor, instead earning a PhD in animal science. The Otagakis began their life together on the mainland and had five children before moving back to Hawaii, where Ken taught at the University of Hawaii and later led the Hawaii State Department of Agriculture. Ken never let what others perceived to be his physical disabilities stop him from being active. He climbed trees to pick ripe mangoes and taught his kids how to swim and ride a bike.

The last veteran I would like to talk about is Yoshiaki Fujitani who ÷Pauwela, Maui.

A second generation Japanese-American, Yoshiaki was taught ethics at Japanese language school, where he learned about honesty and perseverance by hearing stories about George Washington and Abraham Lincoln. He was also taught what is known in Japanese as ''kuni no on,'' or gratitude to one's country, America.

After serving in ROTC at the University of Hawaii, Yoshiaki rose through the ranks in the Hawaii Territorial Guard, becoming squad leader. Of course the guard was later disbanded without any explanation, but they believe it was because the Japanese Americans in the guard were viewed as potential traitors.

On December 7, 1941, while preparing to play softball, Yoshiaki saw smoke and planes flying above Pearl Harbor before learning about the attack on the radio. He volunteered for the civilian Varsity Victory Volunteers but quit when he learned that his father was being held at a Department of Justice camp for being a potentially dangerous enemy alien.

When his friends joined the 442nd, Yoshiaki's initial anger about his father's incarceration subsided, and he decided to join the MIS. Yoshiaki served in Tokyo on assignment for the Pacific Military Intelligence Research Section. After the war ended, he got married, raised a family, returned to Maui as a minister of the Buddhist faith, and he focused on fostering interfaith cooperation, eventually becoming the bishop of the Hawaii Kyodan. In 1976, he established a program called the ''Living Treasures of Hawaii'' to recognize the cultural contributions of individuals in Hawaii.

The life stories of these three men serve as an inspiration for all of us, and they certainly exemplify the history and the courage and the Americanism, the love of America, exhibited by the people we are honoring.

This legislation also honors Senator DANIEL INOUYE and the late Senator Spark Matsunaga, who served in the 442nd and 100th units, and of course they later went on to serve the people of Hawaii for many decades, and the people of our country.

Again, I urge all of my colleagues to vote in support of S. 1055. It is long overdue.

Mr. BACHUS. Madam Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU).

Mr. DJOU. Madam Speaker, I rise in strong support of S. 1055 to grant the Congressional Gold Medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

Madam Speaker and colleagues, I want to echo the words of my colleague, the gentlewoman from Hawaii (Ms. HIRONO). Madam Speaker, it is with great pride the people of Hawaii join in the recognition of the 100th Infantry Battalion and the 442nd Regimental Combat Team.

And I speak also with a bit of personal pride that we are recognizing the 442nd today. I had served in the United States Army Reserve, and today the 100th Battalion 442nd Infantry Division is part of the 9th Mission Support Command based at Fort Shafter in my congressional district. And in my previous service as an Army reservist, the 442nd was my sister battalion, and it is with great pride I see them being recognized today.

□ 1750

The 442nd has a long and illustrious history having served our Nation in Vietnam as well as most recently in Operation Iraqi Freedom, although the most important amount of recognition for the 442nd and the reason we are here today is for their initial service in World War II.

Madam Speaker and colleagues, when somebody asks, Where does the strength of our Nation come from? I say to all of them, It does not come from machines. It does not come from a regulation. It does not come from the Halls of the United States Congress. The strength of our Nation comes from young individuals who are willing to raise their hands, to take an oath of office and to defend this Nation—with their lives, if necessary.

When the 442nd was formed in 1942, it was these young men, Americans of Japanese ancestry, who raised their hands, despite facing discrimination from their own country in having expressed a willingness to fight on behalf of this Nation.

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

Mr. BACHUS. Madam Speaker, I yield the gentleman such additional time as he may consume.

Mr. DJOU. It was their willingness to go into harm's way, to risk their lives in the fields of Italy, that has accorded the 442nd this honor and this well-deserved respect from the United States Congress.

Therefore, Madam Speaker, on behalf of myself, my colleagues and the people of the State of Hawaii, I strongly urge the passage of S. 1055.

Mr. BACHUS. Madam Speaker, I will make the offer that if additional time is needed on the majority side, I would be willing to yield time to Mr. MCDERMOTT or to others.

I reserve the balance of my time.

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Madam Speaker, I did not come over to the floor to speak on this issue; I came for the next issue. But I am an honorary Nisei vet. I have been involved with the Nisei community and with the Nisei vets of the 442nd in Seattle for a number of years.

Two weeks ago, we dedicated a wall at the Nisei vet hall on which the names appear of all the people from Seattle. It was an extremely moving event to have not only some of the old vets but to also have the young sons and daughters and grandsons and granddaughters get up and talk about their relatives and what they did.

I found out about the Nisei when I was in college. I had a roommate named Dave Sukura. One day, he told me about having been in a prison camp when he was in elementary school. I couldn't believe it. I was a kid from Chicago, and had never heard of such a thing; 127,000 people were rounded up for no other reason than we were panicked about the Japanese, and we put them in concentration camps.

Now, you can imagine having a store or having a hotel or having a farm and suddenly being told you have 1 week to get your stuff together and get out of here. They lost all their land. They lost all their holdings. They lost everything. They were sent to these camps. Someday, when you're in Idaho, go out to Minidoka, and see the national monument that we have created. We call it a ''monument'' now, but it was a concentration camp then. There was nothing there. They came and put up barracks very quickly and said to the people, Move in.

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

Mr. BACHUS. I yield to the gentleman such time as he may consume.

Mr. MCDERMOTT. In a room of 20-by-20, you had seven people living with no running water and with no hot water for 4 months, and they were trying to deal with babies and diapers and with all the things that go on in ordinary living. Then the people who have put you there turn around and say, We will accept you into our Army to go and fight for us in Italy. Now, you can imagine among these Japanese families the discussions that went on about whether or not they should participate in this.

David's grandfather came from Japan and started the Japanese Baptist Church in Seattle. He told his sons, We are Americans, and we will support our country no matter what.

This was long before the war, so he was dead when that happened. They were then taken off to the camps.

The mother—her name was Misa Sukura—had four sons. She said to her boys, You must go.

The camp people were mad at her. How can you send all of your sons to this?

She said, They are Americans. We are proud and we will serve.

Now, you have to understand what it took then to be thrown into the toughest part of the war. They didn't become the most decorated unit in United States Army history because they were sent out to some easy deal. They were sent into the toughest fighting in Italy. They are the ones who went in when they couldn't find the lost battalion. They said, Send in the 442nd—and they found them. A simple medal hardly speaks to what they did for us, but what they did beyond that is to say, if you're in America and if you're an American, we treat you all the same.

We are at a time now when their example needs to be carefully looked at because panic among the American people says suddenly, Oh, those people are to be feared. We can't stand those people. They're not like us. What happened in 1941 can happen again if we do not honor those Nisei vets and their families who stayed at home. They lived through without fathers, without mothers, with all the people who got killed, and everything else.

Several years ago, it was my honor to name the courthouse in Seattle, Washington, after a young man named William Nakamura. He went at 19 years old, out of Garfield High School, and won the Medal of Honor. The family never got the medal because the medals were buried. Nobody wanted to demonstrate and distribute them until President Clinton went back and reviewed the records and found these Medals of Honor. They were then given to the families of the fallen.

We have much to be proud of in this country, but the Nisei vets have more than most of us because they overcame the racism and the attitudes that put them in concentration camps, and they came out and stood tall. For that reason, I am very proud to be here today. I commend Mr. SCHIFF and the other members of the committee who brought this gold medal. It's about time.

Mr. BACHUS. Madam Speaker, I yield 9 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I do not plan to take that time except that, because I am retiring this year, I will take every bit of time I can get as an outgoing Member to still speak on anything. It's just an inside joke for those of us who have been accustomed to being listened to for a long time. I am sure it's not going to hold true once I leave Congress.

Madam Speaker, one thing we all need to listen to is our hearts when it comes to treating each other as we, ourselves, would want to be treated. When we think of something like this resolution and what it means to record history, we record history so that we learn from those aspects of history we do not want to repeat and by acknowledging the people who need to be acknowledged as amazing Americans, as this bill does.

They had the fortitude to fight, as all brave Americans have who serve our Armed Forces, whether in peacetime or wartime, never knowing whether their lives are going to be called to be donated to this country. Every single servicemember may be called to make the ultimate sacrifice in the service of their country when they sign up and serve our country, never knowing.

□ 1800

But in this case, we had a group of Americans who signed up to fight for freedom when their own was being challenged here at home.

It's reminiscent of the stories of the Buffalo Soldiers in World War II, African Americans who were being denied the very rights that they were fighting to protect and uphold around the world, and they were doing so on behalf of a country that had refused to treat them as coequals.

In this case, Asian Americans, Japanese Americans who, because of the perception of who they were as Americans simply by what they look like, were being judged as whether they were American enough. Why is that important for us to remember today? Well, because last time I checked, we have Arab Americans right now making the ultimate sacrifice in the war against terrorism, Arab Americans who are being stigmatized, stereotyped, and wholesale bigotry against anybody of a different faith or ethnicity, somehow they are judged to be less American in their opportunities. And basically the requirement that they be treated the same as every other American, those rights are being challenged. And in spite of that, they are still out there defending our country.

Native Americans, who have been denied in one of the great shames on this country's history of the way our country treated its indigenous peoples who serve at greater numbers on behalf of this country than any other group in this country, Native Americans, and it is quite extraordinary when we think about heroes to think about those who are not only willing to lay their life on the line for freedom and this country, but are willing to do so in spite of the fact that they are being denied the very same rights that they are fighting

for here in America. That is why they deserve gold medals, because they fought two fights. They fought the fight for liberty around the world, and they fought the fight against bigotry that is denying them those same freedoms here at home.

And why else do we remember this? Because we're talking about the fact that no matter what you look like, we are all Americans, because that's America. We're the greatest country on the face of the Earth. Why? Because there's no other country in the world that has peoples from every other part of the world, and yet we're still divided by race, by color, and by creed by those who would like to foment fear and prejudice and use that as electoral victories, using the oldest wedge issue that we have ever known, and that's fear of difference, when actually the strength of our country is our diversity as a Nation.

My uncle, President Kennedy, in giving the National Civil Rights Address, first of any American President in American history, said it's a moral question at its base. Who amongst us would be willing to change the color of their skin? Who amongst us would be willing to change the color of their skin and abide by the counsels of patience and delay in terms of civil rights? Well, you know, if you're white and you're accepted as looking like an American, this might not seem like a big issue to you. But think about trading the color of your skin for a day and living like Americans who are Latino in a culture like today that stigmatizes people with brown skin as somehow less than Americans because maybe they got here illegally just because of the perception of the color of their skin. Set aside the fact that in my area of the country the biggest illegal immigration are people that look like me, with red hair and freckles on their face; that's the biggest illegal immigration, Irish overstays. It's an interesting battle that's been the battle for the heart and the soul of America since the beginning of time.

I propose that the final question of our time for our veterans is whether we are going to abide by the counsels of patience and delay in setting our veterans free from their war injuries. Because how many of us suffering at home now from traumatic brain injury and PTSD would be willing, because the Congress is not ready to put the money into biomedical research that it needs to because they say that's not government's job to do medical research; that's someone else's. I don't know whose job it is, but if I'm a veteran coming back from fighting for this country and I'm trapped behind the enemy lines of stigma and shame, trapped behind the enemy lines of indifference because you can't see my wound—my wound is an invisible wound; it's brain injury—think about what it must be like for them to know that our country has the wherewithal to save those with TBI and rescue them from being prisoners of their war injury if we put the money behind it, if we match our action with our rhetoric. We're not going to leave those veterans behind, okay. Then let's do something that makes sure we don't. Let's invest in the kinds of stem cell research, the kinds of genetic biomarkers that are going to allow us to make sure that they are going to be saved from enemy territory, prisoners of their war injuries.

You could say, oh, well, it's going to take 10 years before we are able to repair spinal cord tissue and allow those veterans to stand up out of their wheelchair because they were paralyzed. Well, if you're 25 years old, I should hope that they get an indication from this Congress, from this country, from this President that we are in it to win it when it comes to saving them, because you know what? We would put our full might of military power to go get them if they were held by al Qaeda. Why aren't we doing the same when it comes to them being held hostage by their TBI and PTSD?

If we think of each other as human beings and advancing the great cause, or the fact that we all breathe the same air, drink the same water, live on the same planet, want the same things for all of our families, why would we ever treat each other differently, discriminate against one another, when it's the very strength of our country?

These Japanese Americans, they fought the roughest fights. They were put in the biggest harm's way, just like the Buffalo Soldiers were in the European theater as well. Why? They wanted to take it on to demonstrate they weren't about to be cowering in the fear of those with bigotry in their hearts.

Let's pass this legislation and set all Americans free, because we're all human beings, all Americans, irrespective of color, creed, or the way we look.

Mr. SABLAN. Madam Speaker, I rise in support 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.

The grant of the Congressional gold medal to this very distinguished "Go for Broke" unit is well deserved and the award is long overdue. The unit is the most decorated military unit in our Nation's history. In World War II this was known as the "Purple Heart Battalion."

I must admit that I have a personal attachment to the "Go for Broke" unit. Company E, 100th Infantry Battalion and the 442nd Regimental Combat Team, is now stationed in the Northern Mariana Islands and I was once a member. A further point of pride is that Echo Company was once under the command of the distinguished Senator from Hawaii, Senator DANIEL K. INOUYE.

I support passage of S. 1055 and I say again that the grant of the Congressional gold medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team is long overdue and well deserved.

I encourage my colleagues to support S. 1055 and I thank Senator BARBARA BOXER for bringing this legislation forth.

The SPEAKER pro tempore (Mrs. DAHLKEMPER). All time for debate has expired.

The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 1055.

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.

AWARDING CONGRESSIONAL GOLD MEDAL TO DR. MUHAMMAD YUNUS

Mr. CARSON of Indiana. Madam Speaker, I move to suspend the rules and pass the bill (S. 846) to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 846

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of $27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,400,000,000 people, mostly women and children, who live on less than $1.25 a day, and the 2,600,000,000 people who live on less than $2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over $318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless

large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

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

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

There was no objection.

Mr. CARSON of Indiana. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of Senate bill 846, a bill to award Dr. Muhammad Yunus with a Congressional Gold Medal in recognition of his contributions to the fight against global poverty.

□ 1810

Credited with developing the concept of microlending—the extension of very small loans to very poor people without requiring collateral—Dr. Yunus has revolutionized global efforts to eliminate extreme poverty. By making small loans available to entrepreneurs that lack access to the resources of traditional banks, Dr. Yunus has given many people the tools they need to lift themselves out of poverty.

In 1976, Dr. Yunus made his first successful microloan to 42 women from a small village in Bangladesh who made crafts out of bamboo using $27 out of his own pocket. When that first loan was made, it would have been difficult to imagine that it would launch a revolution in the fight against international poverty.

Based on this methodology, Dr. Yunus founded Grameen Bank, which has loaned over $7 billion to over 7.5 million small borrowers. His work has had a particularly profound impact on the lives of women, who have received over 95 percent of these microcredit loans.

This successful model has been implemented in over 100 countries, in both developing nations and prosperous nations like the United States. In the United States, the Small Business Administration is based on the same model and has made over $380 million in microloans to entrepreneurs since 1992. Internationally, it is estimated that over 155 million people have already benefited from these types of loans. And today, the movement has the potential of reaching many of the 2.6 billion men, women, and children that currently live on less than $2 a day.

Dr. Yunus has received a multitude of recognitions for his work, including the Nobel Peace Prize in 2006 and the Presidential Medal of Freedom in 2009. Currently, the House companion bill offered by the gentleman from New Jersey (Mr. HOLT) has the cosponsorship of over two-thirds of the U.S. House of Representatives.

In light of the strong support we have already shown for this legislation, I urge my colleagues to support Senate bill 846 to award Dr. Yunus the honor of a Congressional Gold Medal.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of S. 846, a bill that would authorize the award of a Congressional Gold Medal to one of the great humanitarians of our time, Dr. Muhammad Yunus.

Over the last couple of years, we have talked on the floor of this Chamber and in committees about the effects of the recent economic crisis and how it has limited our ability to procure loans in this country. We all know that credit is the lifeblood of both business and daily life and that businesses need capital to invest in tools, labor, and raw materials, and that individuals need credit for both short-term needs and long-term investments such as college educations or to buy a house or a car.

The need to free up credit in the United States is important, but in this great country that offers so much for us to enjoy, it is easy to lose sight of how serious the need for credit is elsewhere. There it's sometimes a matter of surviving or being able to eke out a living. Americans may need a loan to purchase a new car, whereas a person in Bangladesh may need a loan to merely survive.

Madam Speaker, it is a testament to a man we honor today that he both recognized the needs of many for loans of very small amounts of money and devised a system, a system that can be replicated anywhere, to address that need.

Dr. Yunus, born in Bangladesh and the holder of a doctorate from Vanderbilt, made his first step toward solving this problem in 1976 in his native country—and Mr. CARSON mentioned this—when he loaned an equivalent of $27 to 42 women and made each a co-guarantor with the responsibility of ensuring that the money was paid back in full. These women then used the money to make bamboo furniture. Previously to buy bamboo, they had been forced to borrow at interest rates that we would consider criminal and certainly usurious. With the loans, they were able to make furniture at a small profit.

Soon, with a small grant from the government of his newly independent country, Dr. Yunus founded what became the Grameen Bank, and lenders, using that model, have made billions of dollars of so-called microloans to millions of people.

I know Chairman WATERS has spoken about this and many other Members as to what this has meant to men and women in poor countries around the world. More than 90 percent of the borrowers are said to have been women.

In the year since the founding of the bank, the Grameen model has blossomed, spawning variations that include nonprofits and for-profit investments in projects ranging from information technology and communications to food production with partners ranging from small local companies to giant multinationals. One project has funded the installation of nearly half a million small solar electrical plants producing power for off-the-grid people in Bangladesh.

I remember reading Robert Caro's book about Lyndon Johnson and what electricity meant to the hill country of Texas. The miracle that we saw in America a century ago is being repeated in these countries now—the miracle of electricity.

But this microlending model is not confined to small, poor, developing countries. It's found its way to Canada and even to the United States.

Dr. Yunus holds out the possibility that another offshoot he calls ''social

business'' might be a way to help redevelop Haiti and bring its people out of poverty, as well as in developed countries to provide a path to help the poor become self-supporting without the need for welfare.

Through all of this, Dr. Yunus has been not only a visionary innovator but a tireless advocate for the model that he believes can ease and even end poverty. For this he's been recognized several times and in many ways. He and the Grameen Bank were co-recipients of the Nobel Peace Prize in 2006. And in 2009, Dr. Yunus received the Presidential Medal of Freedom from President Obama.

It is now time that Congress in a bipartisan way honors such a devoted and selfless individual. And that's what we do today with 296 cosponsors.

I commend Senator DURBIN for introducing this bill. I commend the gentleman from New Jersey (Mr. HOLT), who introduced the House companion bill, H.R. 2000. With passage today, this bill will go directly to the President's desk.

This is just one of many examples of how a small amount of money changed the lives and the fortunes and the futures of families in countries around this world.

I think of a book I just completed in the last year, Greg Mortenson's ''Three Cups of Tea,'' where a gentleman from California went to really the tribal areas of Pakistan and helped build a school and educate children for just, what we would call an insignificant amount. And it truly is, I think, an inspiring thing to read of people of this character and this commitment.

Madam Speaker, let me close by saying this is an overdue recognition of a vastly important concept and the man who devised it. I urge immediate passage.

I reserve the balance of my time.

□ 1820

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend from Indiana, and I rise in strong support of this legislation to award Dr. Muhammad Yunus a Congressional Gold Medal for his efforts to fight global poverty.

This bill already has passed by unanimous consent in the other body. I am pleased to have introduced the House version of this bill, which garnered 297 bipartisan cosponsors, an indication of the remarkable impact of Dr. Yunus's work.

Muhammad Yunus is widely known as the banker to the poor, and is one of the world's great humanitarians and an economic genius. In 1974, as Bangladesh was struggling with a terrible famine, this professor of economics led his students out of the classroom and into a village nearby. There they discovered that impoverished people could not get ahead because of the oppressive business practices of money lenders who exploited their poverty and desperation.

With just $27, as we have heard today, of his own money, Professor Yunus liberated 42 victims of these unfair practices from their debt burdens. And from that first experience with the power of a small amount of money, Dr. Yunus developed the concept of microcredit.

With just a few dollars to work with, the poor are able to become entrepreneurs. They sell vegetables or clothing or handmade goods and other products in order to slowly generate and accumulate profits, or they devise clever service industries with a cell phone or a computer that they can buy with their microloan. And it turns out that the poor are wary of debt and are careful stewards of money. Repayment rates for microloans are consistently near 97 percent. And step by step, these borrowers build individual ladders on which they can climb out of poverty and into the mainstream economy.

Within a few years of his first trip to that destitute village, Professor Yunus created the Grameen Bank to act as a bank to the poor in Bangladesh. Today, Grameen Bank has over 2,500 branches. It serves over 8.3 million people in 81,000 villages. It has disbursed nearly $10 billion to the poor, with a recovery rate around 97 percent. Most importantly, it is estimated that nearly 60 percent of Grameen Bank's borrowers have crossed the poverty line. Many of these are women.

Over the last three decades, Dr. Yunus has made the elimination of poverty his life's work. And the concept of microcredit has been widely adopted as an idea. And the idea has evolved from microcredit into the field of microfinance, which now serves the poor with a portfolio of financial services, including savings accounts and insurance and fund transfers, educational loans, and pension plans.

The World Bank estimates that microfinance institutions now serve 160 million people in developing countries. Women, who make up 60 percent of the world's poorest citizens and disproportionately shoulder the burdens of poverty, receive over 95 percent of the microloans. The funds allow them to increase their independence and improve the quality of life for their entire families. Children of borrowers are more likely to attend school and enjoy better nutrition.

Yet even with these accomplishments, there is more to be done. There are 2.6 billion people around the world who live on less than $2 a day. And the poorest 1.4 billion live on less than $1.25 per day. Microfinance still needs to take deeper root in Africa, where 75 percent of the population lives on less than $2 per day. We must commit ourselves to addressing their needs, and microfinance can be a key component of that work. Muhammad Yunus and those who have followed in his footsteps have made it possible for the working poor to transform themselves into an entrepreneurial middle class and for beggars to become business people.

Professor Yunus has been recognized with the Nobel Prize for Peace and the U.S. Presidential Medal of Freedom. He continues to challenge economic preconceptions and to challenge the acceptance of poverty around the world. We, with this, further honor his achievements and his extraordinary vision of making poverty, as he spoke in Oslo, a concept that future generations may understand only by visiting a museum.

Finally, I would like to acknowledge some of the people who helped bring this bill to the floor. My colleagues Representative MORAN of Virginia, Representative ILEANA ROS-LEHTINEN, Representative CARTER, Representative MCDERMOTT have been instrumental. Grassroots members of the RESULTS advocacy organization from around the country have helped raise awareness about microfinance and the effort to recognize Muhammad Yunus for his efforts. I commend Senators DURBIN and BENNETT for their leadership in moving this bill through the Senate, and I thank Chairman FRANK for his assistance in expediting consideration here in the House.

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, I thank the chairman, and I want to acknowledge Congressman HOLT. RUSH came to me and said, Will you help me gather signatures to get this thing before the House? I've got to have two-thirds of the Members sign this thing. And I said, Sure, I will be glad to help you. He immediately handed me a long list of people. And this is not an easy thing to get done in the House of Representatives, to get 290 Members to sign to bring something forward.

However, the object of this gold medal, Dr. Yunus, is clearly somebody who it's worth working for. He is a marvelous symbol. I got to know him. I have been out to Bangladesh. I have been out in the villages. I have actually sat on the ground when the women were paying their debts and deciding who got how much money in the next week, and watched the whole process go on at the grassroots level. I also had the opportunity to introduce him when he came to Seattle to a RESULTS dinner, where there were about 500 people.

The impact of Dr. Yunus goes far beyond the Grameen Bank. Seattle has, I don't know, probably 40 or 50 microcredit operations working worldwide all through Central America and South America and Africa, where this idea that this man created was taken by other people. And it works everywhere, and anybody can do it.

What's amazing about this is to think about how one man, faced with the poverty in the most densely populated country in the world, Bangladesh,

could say to himself, you know, I think I can change this. And then not only did he think that; he went out and he did it. And I think that's really why a gold medal for Dr. Yunus is such an important part for us to remember in the Congress.

We often think that, you know, we've got to give $100 million or $80 billion or whatever. This man started with $27 and created something that has affected millions and millions of people.

The last thing I want to say is that it's affected the lives of women. Women in the world, their status clearly is below that of men in most countries. But the access to credit for these women of Bangladesh gave them the ability to begin to develop a little business, and accumulate a little capital, and then to buy some school uniforms for their children and pay their school fees. Any country that educates their women, begins to educate the children, begins the development of a country. And Dr. Yunus knew that, that if he could give women a chance to have access to credit—a lot of people laughed at him—but a 97 percent payback rate will match Citibank any day of the week. And this is the work of a man who had an idea and proved that if you have an idea and you are willing to work and believe in people, you can make it work.

So it's a great honor to have a chance to say a few words about Muhammad Yunus. He is a great man, and a gold medal is little enough to give him.

□ 1830

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from Indiana (Mr. CARSON) for yielding time. I also want to commend my good friend Representative HOLT from New Jersey and the Senator from my State, Senator DURBIN, for the work that they have done in advancing this recognition and advancing this legislation. I don't think that there is any doubt in anybody's mind that Professor Yunus is deserving of such an honor. But it's not really just about honoring Professor Yunus. It's really about advancing the concept that he created, microlending, that not only has been a boon to underdeveloped nations, some of the millions of people who live in poverty each and every day of their lives wondering how they're going to be able to etch their way out of it; but we also see it in our country, in the United States of America, where just today we increased the limits on our microlending program through the Small Business Administration in the bill that we passed earlier from $35,000 to $50,000.

I grew up in rural America, where if an individual could gather a thousand dollars, they could purchase themselves a load of vegetables, and rather than just having a few to get rid of, they really could get rid of quite a few. There is a woman in the basement of the building where my district office is located. She operates a small belt-making, jewelry-making shop. Five thousand dollars was enough to get her started and now she actually has a thriving business where she earns a living and employs two or three other people. Not far from where I live is the number one shoeshine shop in America. As a matter of fact, it's called Shine King. It's no bigger than just a little opening. But the man who started it actually started shining shoes with a kit on the streets and now, of course, he's part owner of the bank around the corner, he owns real estate, he is a member of the Chamber of Commerce. He provides training and work opportunities for young boys. As a matter of fact, the famed basketball player, Isiah Thomas, used to shine shoes in his shop.

And so microlending is actually the beginning for millions of people. I join with my colleagues in honoring Dr. Yunus, again commend all of them for advancing this legislation, look forward to its passage but look more forward to greater utilization of the microlending concept as a part of the American economy.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in strong support of the Senate bill before us today, which would award Dr. Muhammad Yunus a gold medal for his exceptional work in the field of micro-finance assistance to the most impoverished people around the world.

As this measure notes, Dr. Yunus first tested his belief thirty-four years ago that very small-scale, low-interest loans to the "poorest of the poor" could have a major and positive impact on their lives.

He leant $27 of his own money to 42 craftsmen and craftswomen in a small village in Bangladesh.

He went on to establish the Grameen Bank, which created a model for providing on a larger-scale what we now commonly know as micro-enterprise loans.

Today, it is estimated that such assistance—which is low-cost, targeted to those most in need, and expected to be repaid by its recipients so that it can be used again and again to help others—has positively impacted the lives of over 150 million people around the world.

Dr. Yunus has shown us that innovative thinking such as this can result in major beneficial changes for those around the world who survive on less than one or two dollars a day in income.

He has also shown that we don't always need to think in terms of huge amounts of assistance—or expensive agencies and contractors—to carry out such important work.

In many cases, communities assisted by micro-loans are asked to set up groups that help to oversee and manage the loan programs, and they work not only to ensure repayment of the loans but also to give an important sense of community engagement in the effort.

Therefore, micro-loans help provide long-term, sustainable change and are not just a one-time deal with a disappearing impact.

We need more such low-cost innovations, especially now that we all face a global economic crisis and a growing budget crisis here at home.

Madam Speaker, Dr. Yunus was awarded the Nobel Peace Prize in 2006 for his efforts to promote micro-finance.

I believe that the Congress as well should award a gold medal to Dr. Yunus.

I am pleased to be the lead co-sponsor, with my colleague, Mr. HOLT, of the House version of this bill, which today has the support of 297 cosponsors.

In closing, I want to again express my support for the passage of this bill, which would honor not just Dr. Yunus, but also those who work hard to find new, innovative and low-cost ways to help those most in need.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 846.

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.

BORDER PROTECTION APPOINTMENT ACT

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) the term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection;

(2) the term ''U.S. Customs and Border Protection'' means U.S. Customs and Border Protection of the Department of Homeland Security;

(3) the term ''competitive service'' has the meaning given such term by section 2102 of title 5, United States Code; and

(4) the term ''overseas limited appointment'' means an appointment under—

(A) subpart B of part 301 of title 5 of the Code of Federal Regulations, as in effect on January 1, 2008; or

(B) any similar antecedent or succeeding authority, as determined by the Commissioner.

SEC. 2. AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS.

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Commissioner may convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection, if—

(1) as of the time of conversion, the employee has completed at least 2 years of current continuous service under 1 or more overseas limited appointments; and

(2) the employee's performance has, throughout the period of continuous service referred to in paragraph (1), been rated at least fully successful or the equivalent.

An employee whose appointment is converted under the preceding sentence acquires competitive status upon conversion.

(b) INDEMNIFICATION AND PRIVILEGES.—

(1) INDEMNIFICATION.—The United States shall, in the case of any individual whose appointment is converted under subsection (a), indemnify and hold such individual harmless from any claim arising from any event, act, or omission—

(A) that arises from the exercise of such individual's official duties, including by reason of such individual's residency status, in the foreign country in which such individual resides at the time of conversion;

(B) for which the individual would not have been liable had the individual enjoyed the same privileges and immunities in the foreign country as an individual who either was a permanent employee, or was not a permanent resident, in the foreign country at the time of the event, act, or omission involved; and

(C) that occurs before, on, or after the date of the enactment of this Act,

including any claim for taxes owed to the foreign country or a subdivision thereof.

(2) SERVICES AND PAYMENTS.—

(A) IN GENERAL.—In the case of any individual whose appointment is converted under subsection (a), the United States shall provide to such individual (including any dependents) services and monetary payments—

(i) equivalent to the services and monetary payments provided to other U.S. Customs and Border Protection employees in similar positions (and their dependents) in the same country of assignment by international agreement, an exchange of notes, or other diplomatic policy; and

(ii) for which such individual (including any dependents) was not eligible by reason of such individual's overseas limited appointment.

(B) APPLICABILITY.—Services and payments under this paragraph shall be provided to an individual (including any dependents) to the same extent and in the same manner as if such individual had held a permanent appointment in the competitive service throughout the period described in subsection (a)(1).

(c) GUIDANCE ON IMPLEMENTATION.—The Commissioner shall implement the conversion of an employee serving under an overseas limited appointment to a permanent appointment in the competitive service in a manner that—

(1) meets the operational needs of the U.S. Customs and Border Protection; and

(2) to the greatest extent practicable, is not disruptive to the employees affected under this Act.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect the pay of any individual for services performed by such individual before the date of the conversion of such individual.

SEC. 4. TERMINATION.

The authority of the Commissioner to convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection shall terminate on the date that is 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

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

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of the motion to concur in the Senate amendment to H.R. 1517 and yield myself such time as I may consume.

Madam Speaker, H.R. 1517 would allow the U.S. Customs and Border Protection to correct an employee classification error affecting a few CBP personnel currently serving overseas. Decades ago, the Immigration and Naturalization Service hired a few people, on a temporary, part-time basis, to work in pre-clearance operations at ports in Ireland, Aruba and the Bahamas. Over the past 20 years, their work evolved into full-time, permanent jobs. However, due to a technical issue, it turns out that their positions fell into a ''gray area.''

Though long-term CBP staff, they are ineligible for permanent U.S. civil service positions and, by extension, are not conferred the protections and immunities afforded to permanent CBP employees in the U.S. Additionally, this situation puts CBP in violation of a U.S. agreement with Ireland, ratified after these individuals were hired, which requires all pre-clearance employees to be permanent employees.

CBP, the Office of Personnel Management, and the Department of State have tried to resolve this matter but congressional action is necessary.

H.R. 1517 grants the CBP commissioner the authority to convert the positions of 24 overseas employees to full-time, permanent civil service positions. This action is not without precedent. It has been done before at the IRS and the Library of Congress. Without this legislation, these long-term CBP employees may face termination and CBP would lose the benefit of their expertise.

Going forward, it is our hope that the commissioner will take the histories of these dedicated individuals into account when determining their futures. H.R. 1517 directs the commissioner to make conversion decisions based on CBP's operational needs and in a manner that, to the extent practicable, does not disrupt these workers. It was introduced by Representative Elliot Engel and the ranking member of my committee, Peter King. The House passed the bill last December and the Senate did so last month with minor changes. Passage today will clear the bill for the President's signature.

I urge my colleagues to support this bill that remedies a discrete personnel issue that jeopardizes the continued employment of a cadre of U.S. citizens who provide a valuable border security service to our country.

Madam Speaker, I reserve the balance of my time.

□ 1840

Mr. ROGERS of Alabama. Madam Speaker, I yield myself such time as I may assume.

I rise in support of H.R. 1517, to grant special 2-year authority to the Commissioner of Customs and Border Protection, CBP, to correct a mistake in the hiring appointment for certain CBP employees stationed overseas at the pre-inspection posts. This corrective action will ensure CBP is able to keep trained officers stationed in key overseas positions.

This bill provides authority to CBP to noncompetitively convert employees mistakenly hired under an overseas limited appointment to permanent status. This action will correct the employment category and protect their Federal benefits and retirement.

There are approximately 35 employees in Ireland, Aruba, Bermuda, the Bahamas, and Canada affected by this hiring error. Without legislative authority, the employees will be required to convert to locally hired staff or return to the U.S. and compete for domestic CBP jobs.

These employees have been working between 6 and 15 years in their overseas posts to ensure that travelers coming to the U.S. do not pose a threat. The CBP officers in these posts work in the pre-clearance program which deploys CBP officers at select overseas airports to conduct entry-level inspections before planes depart foreign soil for the U.S.

Through no fault of their own, these employees are now facing problems with their employment status due to a mistake made years ago when they were initially hired. With the passage of this legislation, we can fix this error and ensure that the employees continue their work and maintain their level of pay and benefits.

The development and consideration of this legislation was bipartisan from the beginning, and I would like to thank the bill's sponsors, Congressman ENGEL and Ranking Member KING, for introducing the bill, and Chairman THOMPSON for his support in moving the bill out of the committee.

I urge my colleagues to support this bill and send it to the President in a timely manner.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the CBP employees affected by H.R. 1517 work every day to help secure our Nation's borders. Retaining their expertise at overseas ports is the right thing to do for them and for DHS. Therefore, I strongly encourage my colleagues to join me in supporting this important legislation.

Mr. ENGEL. Madam Speaker, I rise today in support of my legislation, H.R. 1517, the Conversion of Certain Overseas Customs and Border Protection, CBP, Employees. I would also like to give special recognition to my New York colleague, Representative KING, for the hard work that he has put into this legislation.

H.R. 1517 would grant the Commissioner of the U.S. Customs and Border Protection the authority to non-competitively convert employees serving on overseas limited appointments into permanent employees. The need for this legislation was brought to my attention by fifteen U.S. CBP employees serving at pre-clearance centers in Ireland, who were incorrectly hired by the Immigration and Naturalization Service. These employees were hired on overseas temporary appointments, but the work requirement evolved into a permanent basis.

There are two ways for a Federal agency to fill permanent overseas positions: (1) By hiring locally engaged staff, LES, and/or (2) by U.S. direct hire. Yet, because an agreement between the United States and Ireland requires that all pre-clearance employees be "permanent" employees, and by definition employees on overseas appointments are "limited" employees (albeit in this case, limited for an indefinite duration), CBP is in violation of the two countries' agreement. More troubling to me, the fifteen employees on overseas limited appointments are not covered by the protections and immunities afforded by the agreement to "permanent" U.S. pre-clearance employees

Later, I learned the number of employees in similar positions included over thirty other CBP employees in Aruba, the Bahamas, Bermuda, and Canada. It has been through no fault of their own that these loyal employees, some who have been protecting our country for almost twenty years, are now in employment limbo. Without this legislation, they will have to either become Locally Engaged Staff, who are compensated by and receive benefits from the Irish Government, or be placed into competitive positions that will require a return to the U.S. Either choice would destroy an established way of life in Ireland or an established career with the U.S. Customs and Border Protection. H.R. 1517 would allow these employees to stay close to their families and keep their positions protecting our country.

I would like to applaud the House Homeland Security Committee for including language encouraging the CBP Commissioner not to be too disruptive to the employees when implementing this legislation. I recognize the standard CBP policy is for employees serving at overseas positions to rotate back to the U.S. after five years. However, in this extreme circumstance it would be best for the CBP to allow the employees to continue to serve where they are currently, with the years of experience they bring to their positions.

H.R. 1517 is a bipartisan bill. It is supported by the U.S. Customs and Border Protection and the National Treasury Employees Union, which represents the employees. Each has had the opportunity for input into the final legislation.

I would strongly encourage my colleagues to join with me in support of this bipartisan legislation. Continued employment of these individuals is in the best interest of CBP as the work requirement remains and is critical to CBP protecting our Nation's borders.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1517.

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

A motion to reconsider was laid on the table.

NATIONAL PREPAREDNESS MONTH

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1618) urging the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1618

Whereas it has been 9 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies, and the Department of Homeland Security has stated that the number and pace of attempted attacks against the United States over the past 9 months have surpassed the number of attempts during any other previous one-year period;

Whereas during the month of September the Nation observes National Preparedness Month, which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

Whereas acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;

Whereas the Secretary of Homeland Security is charged with coordinating the implementation of preparedness in the United States under Homeland Security Presidential Directive–8, and has undertaken efforts to prepare the Nation with public awareness campaigns, including National Preparedness Month activities;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;

Whereas our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary citizens across the country have been working in cooperation with the Department of Homeland Security and other Federal Government agencies to enhance our ability to prevent, deter, protect against, and prepare to respond to acts of terrorism;

Whereas all people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and

Whereas all people of the United States should take the opportunity during National Preparedness Month in September 2010 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;

(3) expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;

(4) supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and

(5) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the measure under consideration.

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

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1618. I am pleased that House Resolution 1618 is being considered by the full House today during National Preparedness Month. I would like to thank Ranking Member KING, as well as Representatives RICHARDSON and ROGERS, the chairwoman and ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, for their support of this resolution and joining me as House congressional cochairs for National Preparedness Month.

House Resolution 1618 commends the public servants at the Department of Homeland Security for their outstanding dedication to securing our Nation and encourages the American public to participate in National Preparedness Month.

National Preparedness Month is sponsored by DHS. Spearheaded by FEMA's Ready campaign and Citizen Corps program, National Preparedness Month is designed to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses, and communities. This year, the Ready Campaign has partnered with over 4,000 coalition members across the country to promote the message that preparedness is a shared responsibility.

As a former volunteer firefighter, I know that lives are saved when the public takes steps to prepare for the worst. Individuals across the country can be more prepared for the next disaster by making a family emergency plan, assembling an emergency supply kit and learning about possible threats in their area. Businesses, both large and small, should also make every effort to plan for disasters by conducting a risk assessment, completing a business continuity plan, and preparing an evacuation plan that takes into account the needs of all their employees, including those with disabilities.

We are up to our 12th named storm during this hurricane season, and according to the DHS, the number of attempted terrorist attacks against the U.S. over the last 9 months has surpassed the number of attempts during any other previous 1-year period.

The good news is that today we are more prepared to respond to disasters than at any other time in our history, as we have a stronger FEMA and better equipped first responders standing ready across the country.

Despite all the effort that has gone into building a more secure and resilient Nation, more work needs to be done. In a survey conducted in 2009, FEMA found that just 56 percent of respondents had disaster supply kits in their homes and only 38 percent knew where to find key public safety information. It is my great hope that National Preparedness Month will help improve these numbers.

I urge my colleagues to support House Resolution 1618 and also ask them to encourage their constituents to visit ready.gov where they can learn how to be vigilant, alert, and prepared for any emergency.

Madam Speaker, I reserve the balance of my time.

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

I rise today as an original cosponsor of House Resolution 1618. This bipartisan resolution recognizes the month of September as National Preparedness Month, during which government officials, the private sector, and individual citizens are urged to become better prepared for terrorist attacks, natural disasters, and other emergencies.

Earlier this month, we commemorated the ninth anniversary of the September 11, 2001, terrorist attacks and honored those who were lost that day. Weeks earlier we marked the fifth anniversary of Hurricane Katrina, and we were reminded of the lasting devastation caused by the storm.

These solemn anniversaries are powerful reminders of the threats we face and the importance of being prepared. Having an emergency kit, which includes basic supplies such as water, nonperishable foods, flashlights, batteries and other items, developing an emergency evacuation plan for your family, and staying informed about what's going on in your local area, are all steps that can be taken to become more prepared.

In addition to promoting these steps, House Resolution 1618 commends the employees of the Department of Homeland Security; other Federal agencies; State, local, and tribal government officials; as well as emergency responders and law enforcement officers who defend our Nation against terrorism. Their dedication to protecting our homeland against threats is one that we cannot and must not take for granted.

For this reason I have been a strong advocate of the Federal grant programs such as the FIRE and SAFER programs, which provide direct and much-needed support to our Nation's firefighters for equipment, staffing, and many other needs.

The Center for Domestic Preparedness in my home district of Anniston, Alabama, is another prime example of the Federal Government's commitment to first responders, providing premier hands-on training in disaster preparedness and response at no cost to the State, local, and tribal emergency responders.

These types of Federal initiatives help ensure that we do our part in providing the men and women on the front lines with the resources necessary to carry out their vital missions. I hope that we will continue to enhance funding for these programs, which also have the tremendous benefit of promoting a higher level of coordination and planning across all levels of government.

I want to thank Chairman THOMPSON and Subcommittee Chairwoman RICHARDSON for their work on this resolution. As a House co-chair of National Preparedness Month, I urge all of my colleagues to support the measure.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. RICHARDSON).

□ 1850

Ms. RICHARDSON. Madam Speaker, as subcommittee chair of the Emergency Communications, Preparedness, and Response Subcommittee of the Committee on Homeland Security and one of the cochairs of the House National Preparedness Month and original cosponsors of H.R. 1618, I rise in strong support of this resolution brought forward by Chairman THOMPSON recognizing the importance of National Preparedness Month.

I would like to thank Chairman THOMPSON and Ranking Member KING of our full committee for their continued leadership on these very important issues and not letting Americans be caught unprepared. I would also like to acknowledge Mr. ROGERS, the gentleman from Alabama, the ranking member of our subcommittee, for working with me on these preparedness issues, as well as all of the members of our committee who supported this resolution.

September 2010 is the seventh annual National Preparedness Month. Through events, public service announcements, and other coordinated efforts, FEMA and its thousands of public and private partners have and will disseminate critical information about the importance of being prepared.

House Resolution 1618 supports these important efforts by recognizing the valuable work of the Department of Homeland Security and encouraging Americans to work together to take concrete actions toward emergency preparedness.

Over the course of the last year, we have seen tragedies strike, whether it was manmade or beyond our control, in many forms, whether they included floods, wildfires, earthquakes, hurricanes, oil spills, and most recently in my own State, a major pipeline gas explosion. Additionally, we have also known terrorists continue to target Americans and our critical infrastructure, as evidenced by the various attempted suicide bombings and plots that have been uncovered.

Thanks to countless public servants and everyday Americans throughout all levels of government and first responders across our country, our Nation stands more resilient than ever. House Resolution 1618 praises the selfless dedication of those courageous individuals and calls on the American public to equally make efforts at home, at work and school, because it's really all of our responsibility to increase their ability to assist in preventing, protecting against, and preparing to respond to all disasters and, above all, to minimize the loss of life and destruction of property.

Madam Speaker, change is evident in regard to how Americans prepare for disasters, but one thing is completely true—we have not completely hit the road that we need to be on to be prepared in every aspect to avoid some of these disasters and incidents that might occur.

Let me go over a few simple tips, and I would like to build upon some of the ones that Chairman THOMPSON already mentioned for the RECORD.

Number one, it's important to practice your disaster plan. Number two, prepare our children so that they know what to do. Number three, something that we fell short on with Hurricane Katrina, and that is not to forget to make assistance for those who are vulnerable, whether they be those who are aged, infants, or those with special needs. We should all learn CPR and first aid. We need to understand the post-9/11 risks. And finally, we all have got to be involved and volunteer.

House Resolution 1618 encourages all Americans to be prepared when—not if—the next emergency occurs and to get involved in the National Preparedness Month activity happening in your area. Right here today in the Capitol, Chairman THOMPSON authorized, with FEMA, to be able to launch the iPod system, which will enable State and local governments, tribal and territories to be able to be better alerted in the case of an emergency.

I urge all of my colleagues to join me in supporting H. Res. 1618.

Mr. THOMPSON of Mississippi. Madam Speaker, House Resolution 1618 supports the important goals and ideals of National Preparedness Month. I thank the ranking member and all my colleagues on the Committee on Homeland Security for coming together in a bipartisan manner to show support for this important resolution.

I urge all my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1618.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

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

Mr. DAVIS of Illinois. Madam Speaker, I rise to acknowledge and recognize National Alcohol and Drug Addiction Recovery Month.

Madam Speaker, the use and abuse of illegal, illicit, and contraband drugs is one of the most challenging and difficult problems facing America. Alcohol and Drug Addiction Recovery Month brings attention to the broad group of people affected by alcohol and drug abuse and how recovery truly helps people who struggle with substance abuse problems.

The 2007 National Survey on Drug Use and Health found that just over 22 million Americans, or 9 percent of the population aged 12 or older, were classified with substance dependence or abuse in the past year. This rate has remained fairly stable since 2002. Approximately 57 percent of persons who are dependent on drugs were dependent on marijuana, with about 25 percent dependent on pain relievers and 23 percent dependent on cocaine.

Although men and women aged 12 to 17 have similar rates of drug dependence, for individuals older than 18, the rate of substance dependence or abuse was about twice as high for men compared to women. Racial/ethnic groups reported similar rates of dependence or abuse, except Asian Americans reported lower rates of dependence and abuse.

Substance dependence or abuse varies by region of the country, with the Midwest, 10 percent, having a higher rate than the South, 8.7 percent, and the Northeast, 8.1 percent, but a similar rate to the West, 9.2 percent.

Rates for substance dependence or abuse among persons aged 12 or older in 2007 also varied by county type, with small metropolitan counties, 9.4 percent, having a significantly higher rate than nonmetropolitan counties, 8.3 percent, but a similar rate when compared with large metropolitan counties, 9.0 percent.

In Illinois, according to the 2005 National Survey on Drug Use and Health, 780,000 Illinois citizens aged 12 or older reported illicit drug use, with 294,000 Illinoisans reporting drug dependence or abuse in the past year.

□ 1900

These data found that, for youth aged 12–17, approximately 104,000 Illinoisans reported past month use of an illicit drug.

Earlier in this decade, a survey in Chicago found that 800,000 individuals indicated that they used drugs, with 300,000 reporting themselves as hardcore drug users.

A 2010 study by the Illinois Consortium on Drug Policy found that the Chicago metropolitan region ranks among the worst in the nation for heroin use and problems associated with heroin use. Chicago had the most cases of people with heroin problems using emergency rooms in the Nation from 2004 to 2008, 50 percent more than were handled in New York City during the same period.

So I rise in essence to also commend those institutions and those individuals who are engaged in the treatment of substance abuse users, and I point out the Loretta Hospital, which is located in the congressional district where I live and work, I had the opportunity to attend on Monday of this week a great program composed of individuals who were substance abuse users, providers of care, the members of the police department, and I pointed out that the Chicago Police Department in that particular district has a commendable record of how they handle individuals that they come into contact with when they are inebriated, when they are suffering from alcoholism, when they might be found wandering on the street in states that require some intervention.

I also note that on Saturday, there will be at least 500 to 800 individuals involved in what we call Recovery Walk. That is individuals who are all addicted who will gather in a park for a rally and then walk to another park, pointing out the tremendous need for additional resources but also pointing out that treatment and recovery does in fact work.

So I want to commend all of the individuals who have suffered from substance abuse, alcohol and drug use, and have overcome their difficulties and are now leading meaningful and productive lives.

I also commend all of those who are involved in treatment who know that if they continue to believe, if they continue to hope, that they can overcome this difficulty.

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

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

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

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

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

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

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

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

HONORING CAPTAIN DALE A. GOETZ

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

Mr. COFFMAN of Colorado. Madam Speaker, United States Army Captain Dale A. Goetz, an Air Force veteran with ties to Colorado, joined the Army's chaplaincy out of a strong desire to help others.

Captain Dale Goetz and his wife, Christy, both graduated from Maranatha Baptist Bible College in 1995. He was a former pastor of First Baptist Church in White, South Dakota, before being stationed at military bases throughout the world. Earlier this year, Captain Goetz was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division at Fort Carson, Colorado, and the family moved to Colorado Springs in January of 2010. This allowed his wife Christy, and their sons Landon, Caleb, and Joel to be closer to his mother, Hope Goetz, an Elbert County commissioner.

Captain Goetz and his family joined High Country Baptist Church in Colorado Springs the day before he deployed to Afghanistan. Captain Goetz, who had previously served in Iraq, cared about the soldiers he worked with as an Army chaplain, and according to his pastor at High Country Baptist Church in Colorado Springs, ''His goal as a chaplain was not to be a social worker, but to be a spiritual guide.''

Captain Goetz is described as having ''a calm demeanor that helped soldiers find strength in the darkest of times,'' according to Reverend Stuart Schwenke, a fellow pastor he had gone through ministerial training with.

On August 30, 2010, Captain Goetz was on a mission in Kandahar Province, Afghanistan, when insurgents attacked his unit with an improvised explosive device which detonated near their military vehicle. Captain Goetz was gravely wounded and died of injuries sustained during the attack. Four of his fellow soldiers from Fort Carson, Colorado, were also killed in action as a result of the incident.

Captain Dale A. Goetz is a shining example of the United States Army's service and sacrifice. As a former member of the United States Army, and a retired Marine Corps combat veteran, my deepest sympathies go out to his mother, Hope Goetz, an Elbert County commissioner; his wife Christy; their sons, Landon, Caleb, and Joel; and his sisters, Ann Senetar and Kim Sumner.

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

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

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

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

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

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

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

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

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

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

PROGRESSIVE CAUCUS

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

Mr. ELLISON. Madam Speaker, I claim the time on behalf of the Congressional Progressive Caucus for this Special Order where we will deliver the Progressive message. The Congressional Progressive Caucus is that body of Members of Congress who come together to talk about those things that make America the wonderful country that it is, where we have equal opportunity, where we believe that all people, all colors, all cultures, all faiths, belong in America, where we believe that economic justice for the middle class is an important priority, where we believe health care is something that all Americans should be able to partake in, not just those who can afford it. Where we believe that poverty is something that our great country, our wealthy country, can eliminate if we muster the political will to do so. Where we come together as a caucus and say things like food stamps, income support for low-income people are good. They are a sign of the charitable hearts of Americans, and that there is nothing wrong with these important programs.

□ 1910

In the Progressive Caucus, we say that war is not the answer, that diplomacy is what America should be working for, that we should pursue diplomacy, that we should try to talk it out and not shoot it out, that the lives of our soldiers are so precious that we should never commit troops unless it is absolutely necessary to defend the Nation.

This is the Progressive Caucus, the progressive vision that says, yes, consumer justice is an important thing for Americans and that, yes, regulations that are rationally related to the health, safety and the fairness of our society are important. We don't say there is something wrong with taxes. We say taxes are those which are necessary to live in a civil society. They are the dues that we pay to live in a civilized society.

So this is the Progressive Caucus, which is in contrast to the other caucuses, some of which believe that rich people don't have enough money and that poor people have too much. That's not us. The Progressive Caucus stands for the great American middle class. It believes in eliminating poverty. It believes, as Martin Luther King did, that war is the enemy of the poor and that

we should always strive for peace. It believes in the fact that our environment is a sacred gift, that we have to care for it, that we can't just pollute, pollute, pollute, and that we have to be environmental stewards. This is the Progressive Caucus.

Of course, the Progressive Caucus comes to you on Thursday nights to deliver the progressive message. So, tonight, we are going to be talking about taxes. The progressive message tonight is about taxes and taxation. In the next few days, I believe we're going to hear quite a bit about taxes and you're going to hear quite a bit from the Republican Caucus about taxes. They're going to tell you how absolutely necessary it is that Americans at the top 2 percent of the income scale actually, you know, get more money and how even they are willing to stand in the way of the middle class people getting tax cuts so that the top 2 percent can get some tax cuts. They are willing to hold hostage the tax cuts for middle class people, as we are just emerging from this recession, so that the top 2 percent can get a tax break. We are going to be talking about that tonight. That is the progressive message.

Let me just say, when the Republican Caucus says, You know what? We want to have tax cuts. We want to prevent all of the tax cuts from expiring, and we want to keep every tax cut for everybody, the Progressive Caucus says, You know, just for the middle class. The rich folks, they don't need any more tax breaks. Things are already going well for them.

The reality is the GOP plan is tax breaks for Donald Trump and Paris Hilton. Now, I'm not saying they're bad folks. They're good folks—maybe. I don't know them—but I can say they don't need a tax break. The fact is they probably need to pay more taxes. The fact is that the GOP plan is tax breaks for billionaires. Do you think that Donald Trump and Paris Hilton need a tax break? I don't think they do. I'll tell you, I think the regular citizens of my district in Minnesota need one. I think that those police and those firefighters need a tax cut. I think the people who work hard every day to make our country safe need some tax assistance, but I don't think the billionaires need a tax cut.

In fact, I think that those public employees who make sure our streets are safe, who make sure that the potholes are filled in, who make sure that they put the fires out when we're in danger, who teach our children, and those hardworking small business people may need a tax cut; but I don't think that Paris Hilton and Donald Trump need one. I think they'd be fine without one.

Here's the thing about it, Madam Speaker. These tax cuts for the top 2 percent that the Republican Caucus wants to continue will cost the American taxpayer $700 billion. You should also know, Madam Speaker, when the Bush tax cuts were implemented, they didn't set them up with offsets. They didn't find money somewhere else to reduce the budget in order to give these tax cuts. They just gave the tax cuts. The Democrats have a program in place called ''pay as you go,'' so we're not going to increase spending unless we reduce it elsewhere or unless, of course, it's an emergency. The Republicans didn't have that philosophy. They said, We're just going to give rich people more money because we think that rich people don't have enough money and the poor have too much money. So that's kind of how they do business. They won't tell you that, but that is their operating principle.

So my question, Madam Speaker, is quite simply this:

Do we want tax breaks for billionaires, like I showed you in the picture a moment ago, Madam Speaker, or do we want them for teachers so that teachers can have a reasonable number of kids in their classrooms in order to teach them math, science, computers, and in order to teach them what they need to know to be equipped for a 21st-century economy? Public school teachers, now there are some hard workers for you.

Police officers are brave men and women who go out on the streets of this country to make folks safe every day. That's right, police officers. When the rest of us are running out of the building, they're running in the building. Police officers not only fight crime, but they also find people who are lost. They also do things like make sure they inform neighbors about who in the neighborhood is dangerous. Police officers do things like inform neighbors on how to set up a community watch so they can help police themselves. Police officers, I think they could use a tax break.

Firefighters are another group of first responders who run into burning buildings when all of us are trying to get out of there. They're brave men and women who are inhaling smoke, putting their own lives at risk and cutting short their health so that they can protect the rest of us. These folks, they could use some tax help. I don't know about the billionaires; but these folks, with all they do for us, yes, I would vote for a tax break for them in a minute.

Also, we need to save money and not give that 2 percent of tax breaks away to billionaires so that we can do more job training. We've got a green economy coming. It's already here, but we have a lot of people who don't know how to do those jobs. They don't know how to install a solar panel. They don't know how to install a windmill, and they don't know how to do weatherization to make our homes more energy efficient. They need to learn how to do it, so we should use that money that the Republicans want to give to the billionaires and put it into some job training so some young people and maybe not so young people can learn skills that will help them feed their families in the 21st century.

Small business investment: we need to get small businesses back engaged. They are the number one employers in this country. About 70 percent of all Americans work for small businesses. The fact is that these small businesses are the engine for change. Why don't we talk about giving them some help? Why don't we think about making sure that they can retool, that they can get some new equipment and can get some inventory?

You know, I love the small businesses in my district. I like to go visit them. They're doing all kinds of great things. They are remanufacturing engines. They are doing things like fixing cars in small shops. They are restaurant owners. I went to a mail house the other day that does bulk mailing for people. They're doing all kinds of innovative things. They're making semiconductors. They're manufacturing. Let's help our small businesses, which are the engine for job growth.

Better schools. Clean energy. Health care. Infrastructure investment. Let's not give that $700 billion away to Donald Trump and Paris Hilton. Again, no personal cut on them. I'm sure they're fine people. Though, my point is: instead of giving it to those billionaires, wouldn't it be better to take that $700 billion and put in some roads and some bridges and to fix them and repair them?

In my State of Minnesota, we had a bridge fall down, and 13 people were killed. We need better infrastructure in America. Wouldn't it be better to take that $700 billion that the Republicans want to give to the billionaires and put it into infrastructure?

What about college affordability? As a father of two college-aged young people—one 22, a senior in college, and one 20, a sophomore in college—let me tell you that college is too expensive these days. Young people are running up debt. They go to college for 4 years, and they pay it off for 40 years. It's ridiculous. Wouldn't it be better if we took some of that $700 billion that the Republicans want to give to Donald Trump and Paris Hilton and put it into college affordability?

My question is: What are your priorities? Madam Speaker, I ask: What are your priorities?

The priorities should be teachers, police officers, firefighters, job training, small business investment, better schools, clean energy, health care, infrastructure, college affordability. These are the priorities of the Progressive Caucus. This is what we are going to fight for. This is what we believe in, not giving tax breaks to people who really don't need them.

□ 1920

While we're on the subject of taxes, it may surprise some people to know that it is the Democratic Caucus that voted in the stimulus bill to give 95 percent of all Americans a tax break. I think people are surprised because the political labeling that has taken place is

that, okay, Republicans are for tax breaks; Democrats are not. That's not true.

Democrats are for tax breaks for you, Madam Speaker, for the average American. Republicans are for tax breaks for Paris Hilton and Donald Trump. That's the difference. We want average Americans who work hard every day, who make things, who cut hair, who manufacture the goods, who work at those factory jobs, who do those jobs like fire, police, teaching, public works, we want those folks to have a tax break, but the Republicans want to have the top 2 percent have one. That's the difference.

Every congressional Republican voted against a tax cut for 95 percent of American families because all of them voted against the stimulus. All of them voted against it; therefore, not one of them voted for the average American family to get a little bit of help on their taxes. That's too bad.

I think it's important that as we begin this debate about tax cuts, that the American people, Madam Speaker, know who it is who wants to help them in this time when foreclosures are too high and when unemployment is so high. The American people have a right to know who is on their side and who is on the side of Donald Trump and Paris Hilton. Again, this is no personal cut on these guys. They might be fine folks, for all I know, but I know that the people who pick up the garbage, the people who give these young people a chance, who build those small start-up technology firms, I know that those regular folks who are the small business people, the public employees, I know they need a tax cut. I'm not so sure about the top 2 percent. I think they're fine folks, but they don't need a tax cut.

Madam Speaker, I think another important fact for people to know is that Federal taxes are very considerably lower by every measure since Obama became President. That's according to Bruce Bartlett, who was the domestic policy advisor to President—guess who—Ronald Reagan. President Ronald Reagan's advisor said Federal taxes are very considerably lower by every measure since Obama became President. Why? Because Democrats have been lowering taxes for middle class people. We're not so much on lowering taxes for the richest Americans, but for people who need some tax breaks to get by, to put groceries on the table, to make it through the day, to make it through the week. We've been in favor of it. This is a fact and a quote from Bruce Bartlett, domestic policy advisor to Ronald Reagan: Federal taxes are very considerably lower by every measure since Obama became President. That's an important thing to know.

Finally, I get to my last board, Madam Speaker, then I'm going to make a few more remarks, and then we might wind up early. But I just wanted to say that folks are paying lower and fewer taxes under President Obama than under President Bush, and this is something that is very important for people to bear in mind.

I placed this board here because I know that you hear a lot of stuff, folks that are listening to Fox News, that are listening to Rush Limbaugh. They may think, oh, well, the Democrats are the tax-and-spend people. Not so. Only when you're talking about taxes for the richest Americans, which we believe everybody should pay, not as a punishment, but because if you don't pay taxes, who is going to pay for the military to protect this country? Who is going to pay for the police, the firefighters? Who is going to pay for the EMS workers? Who is going to pay for our public school teachers? You've got to pay some taxes. They're necessary for society to operate properly. And there is nothing wrong with them and they are not a punishment. If you use the roads, you use the security, you use the schools, you use the clean water, then you should say, well, yeah, this is what we've got to do.

My point is the Republicans only want to give tax cuts to the wealthiest Americans and don't really think about what life is like for the middle class. But under President Obama, Americans have paid fewer taxes than under President Bush. You pay fewer taxes under President Obama than under President Bush—very important—although this may not apply to the wealthiest Americans.

And I just want to add, Madam Speaker, that some people think, you know, maybe Mr. ELLISON is being mean to rich people. I'm really not. I think Americans who have been privileged and have been lucky and have been blessed to live in this great country, to open up a business, to do well, I think that's laudable. I think that's important. I think that's great. All I'm saying is, if this great country provides the protection from foreign enemies for you to have your business, provides fire, police, security for you to run your business, if this great country provides you with clean water, clean air to run your business and thrive and grow, provides you with employees who were trained and educated at public schools, then don't tell me that you shouldn't have to help. This is an important fact for people to realize. And the Progressive Caucus, we're not ashamed to say that taxation is a good thing and that it ought to be fair, it ought to be just, it ought to be as low as possible, but it's not an evil and a punishment the way the Republican Caucus likes to present it.

Let me say, Madam Speaker, that the Republican plan is the same plan as it was under President Bush. They want to give welfare—that's welfare—to the wealthy and add trillions to the deficit. The Republican Caucus likes to talk about debt and deficits, yet they're willing to add $700 billion to the deficit by extending tax breaks to the richest Americans. They are cranking up their message machine to say this in the next several weeks and over the course of the next several months as well. It's important that Americans know the truth about taxes, and I think it's important that the American people know the truth about the debt and the deficit.

Republicans are going to say, oh, my goodness, we've got this massive, massive debt. We've got this massive deficit. They're going to say $1.4 trillion. But ask them how much of it is on Obama and how much of it is on them. About $1.3 trillion is on them. The Republicans, because of two wars that they never paid for, massive tax cuts that they never paid for, a giveaway to big pharmaceutical companies under Medicare part D that they didn't pay for, and they didn't even allow Medicare to negotiate drug prices with the pharmaceutical companies, that's why we have an enormous deficit. They are to blame for it. These guys, they want to run the deficit up, and then as soon as the American people put them out because they're not good with the economy, they want to blame the Democrats when they put us in the worst hole economically since the Great Depression.

Now, I don't blame the Republicans. I just say that they're not good at economics. I love Republicans—my dad is a Republican; he and I are great friends; we talk all the time; we argue a lot—but they're not good with the economy. They think that you can cut taxes and still get services. They don't understand that when you cut taxes, you can't get services. They think that when you cut taxes down below where you can meet the basic needs of society that you can still provide quality service that people need. They think that you can cut taxes and not end up with a deficit problem. They're just mistaken about that.

I think that the proof that their ideas have failed is the trouble that we saw ourselves in when President Obama took office. When President Obama took office, that month, January of 2009, that month this economy lost about 780,000 jobs. A few weeks before that, we had to vote on a bank bailout of proportions that we have not yet seen, $700 billion. This is because Republicans don't like regulation. They don't like rich people to have to follow the rules. They don't want rich people to have to pay taxes, and they don't even want to write rules for rich people to follow.

□ 1930

And so we ended up with a massive deficit which they created, which they blame Democrats for now. We ended up with 2.8 million foreclosures in America in the year 2009, and we ended up with catastrophic damage to our economy. And yet since the Democrats have come in, we've added private-sector jobs. We've been increasing jobs steadily even though the unemployment rate is still intolerably high, even though Democrats have to continue to

put people back to work, and we're committed to that process, but Republicans still won't join in and help.

Democrats in Congress are standing with the middle class and small businesses to address major issues confronting our Nation and to take America in a new direction—creating good American jobs, providing tax relief for middle class and small businesses, closing loopholes that send jobs overseas, and building a strong foundation for the American economy.

As I said before, congressional Republicans are bringing back the economic and fiscal policies that were created during the Bush recession, the worst financial crisis since the Great Depression, with job losses of nearly 800,000 a month and nearly double our national debt.

Now the Republican caucus is even floating a plan to give permanent tax breaks to millionaires and billionaires while holding President Obama's tax cuts for the middle class hostage.

This is something that we shouldn't tolerate. This is something the American people have to rise up for. This is something I think, Madam Speaker, that the people of the United States need to say, Wait a minute. We can't let ourselves go back to them bad old days when the Republicans were killing jobs and driving up the deficit and running a very unfair, inequitable economy.

Republicans, when they've been asked, okay, if you do take back the House, what are you going to do? They say, We're going to do what we did to get you in the mess we did in the first place. I appreciate their honesty. But the fact is, this is not something that the American family can bear.

They want to repeal and privatize Social Security, Republicans want to cut benefits and jeopardize retirement security for American seniors and workers. Don't forget it was only a few years ago they wanted to take Social Security and gamble your Social Security money in the stock market. The American people rejected that idea. Think about what has happened to the stock market in the last few years and what would have happened if they would have been in charge and been able to get their plan through.

They say they want to repeal Wall Street reform. Now, we went through a huge process with Wall Street reform where we put consumers back in play to get some protection, where we brought accountability to large firms, where we brought the rating agencies under accountability. And yet Republicans want to repeal it.

The fact is is that the recklessness that the Republicans allowed Wall Street to deteriorate with led to the worst economic meltdown in generations, cost 8 million jobs, and cost $17 trillion—that's with a ''T''—in household wealth, because even if you pay everything and never miss a mortgage payment or a rent payment, if somebody is foreclosed on your block, you just lost household wealth, even if you've been perfect in your payments.

So the fact is is that we can't allow the Republicans back in place. They want to repeal health care. And repealing health care would be particularly bad.

It's important for Americans to know that as of this date, as of September 23, health care is helping the middle class. Did you know that during the status quo, Madam Speaker, before we passed health care, that 60 percent—and this is a fact, please check it out—60 percent of all bankruptcy filings were due to medical debt. And most of these people had insurance. They just went over their lifetime limits or their annual limits. They just couldn't pay the deductibles, and they ended up snowballing, and they couldn't pay, and they ended up bankrupt because they got sick. There's something wrong with that. Democrats came together without any help from Republicans to change.

Now, people are a little nervous about things when they change. You go from one thing that you know, even if it's bad, to something that you don't know, even if it's probably good, and people just get a little nervous. They don't know what's going to happen. So I understand people being a little anxious.

But let me just remind people. Insurance companies will no longer be able to deny coverage to kids with pre-existing conditions as of now. Not in 2014. In 2014 they won't be able to deny people with preexisting conditions at all. But as of now, as of today, insurers will no longer be able to deny coverage to kids with preexisting conditions. Health plans cannot limit or deny benefits or deny coverage for a child younger than the age of 19 simply because the child has a preexisting condition like asthma. Now, that's a good thing. Why would they want to repeal this? They want to take this from the people, Madam Speaker.

You know what else they want to take from the people, Madam Speaker? They want to take it away. They want to allow insurance companies again to be able to put lifetime limits on people's benefits. Health plans can no longer put a lifetime dollar limit on benefits of people with medical conditions like cancer.

I had a lady tell me, You know what? When my money runs out, I'm going to go die on the Capitol steps because my country won't be there for me. Now her country is here for her.

Also, Republicans want to take this away: That an insurance company cannot cancel your policy without proving fraud. Now, if a woman gets a diagnosis of breast cancer, a man gets a diagnosis of prostate cancer, the insurance companies used to be able to say, You're out. We're going to rescind your policy. They can't do that any more. Health care plans can't retroactively cancel insurance coverage—often at the time you need it most—solely because your employer made a mistake or a typo. They're going to have to prove that there was fraud.

Insurers can't deny your claim without a chance for you to appeal. If they deny your claim and say, Oh, we're not covering that. So your doctor says you need this procedure. The insurance company says, We're not going to cover you on that. You should at least be able to appeal it to somebody. As of today, Madam Speaker, you have an appeal. You have a third party you can go to and say, My doctor sent me here. I took the procedure that the doctor wanted me to have. And now they say they don't want to pay. You don't have to take their word for it any more, Madam Speaker. You can go over their head.

You can receive free preventative services such as screenings, vaccinations, and counseling. This is a good thing because everybody knows an ounce of prevention is worth a pound of cure. Everybody knows that. Wouldn't you rather have your sugar checked before you end up with diabetes? Wouldn't you rather have your blood pressure checked before you end up with heart disease? Wouldn't you rather have a screening for your cholesterol and make sure you're staying healthy? This is a good thing.

And you know what? Insurance companies shouldn't charge you for it. A lot of the reasons people don't get these preventative screenings, Madam Speaker, is because they don't have the $20 that it's going to cost them. So they don't check that sugar, or they don't check that blood pressure, they don't check that cholesterol. And it gets worse, and it gets worse, and they end up in the emergency room.

Today, as of today, you can receive free preventative services such as screenings, vaccinations, and counseling. This is going to save our country millions of dollars. How many people's lives are going to be saved because they got to it early? This is a great thing. This is a great day.

Young adults can stay on a parent's plan until they're 26. You know, Madam Speaker, I told a number of people I have a son who is 22 years old. He was, of course, 21 before his last birthday. My son turned 22 on March 13, but about a month before his birthday, he got a birthday present from Blue Cross/Blue Shield. And the birthday present was a letter kicking him off my insurance. Now, that's not good. That's really tragic.

But as of today, he can come back on my policy. He doesn't have to worry about what's going to happen if he gets sick. What if he got a summer job painting, and he fell off the ladder? What if he developed a bad cough? What if anything? He broke his ankle a few years ago. What if it started flaring up? Now he doesn't have to worry about that. He's still on mom and dad's policy.

As of today, Madam Speaker, people can choose a primary care doctor, OB–

GYN, pediatrician without needing a referral from another doctor. Now, that's a good thing. You can choose your own doctor. That's great. You can use the nearest emergency room without paying a penalty. That's good.

One time I was trying to pull some weeds from under my lawnmower, and I stupidly let my hand drift up under the lawnmower. Cut my finger. I had to go to the nearest emergency room. What if I would have went there and they said, You know what? You need to go somewhere else. I was in serious pain—although my injury wasn't nearly as serious as other people who have been shot, who are in cardiac arrest, who've been sent to other emergency rooms. Now you can go to the nearest emergency room without paying a penalty. That's a good thing.

□ 1940

So, Madam Speaker, I just want to say tonight that the real Republican agenda isn't about smaller government, lower taxes. It's about bigger government and lower taxes for rich people. That's what they're about. That's the Republican agenda. More debt and lower taxes for the well-to-do. And, again, in America we don't scorn our well-to-do, we just want them to pony up and help out like everybody else. The real Republican agenda is really they'll be happy to get rid of a job if it would help a corporate executive save a buck or earn a buck. It's about blowing up the deficit by adding $700 billion to the deficit to give tax breaks to the richest 2 percent of Americans.

The real Republican agenda is about putting insurance companies back in charge of your health care, which the Democrats took them away from. It's about privatizing and cutting Social Security, and it's about repealing Wall Street reform. This is not good. We need to change.

The progressive message tonight is about Democrats are working together with the President to provide tax cuts for middle class Americans. And the progressive message is about health care, it's about financial reform, it's about protecting you and your money with the consumer protection agency. It's about a lot of important things to help the quality of life for Americans, Americans of all colors, all cultures, and all faiths, Americans who serve in our Nation's military, who serve us as public employees, Americans who are looking out for us every day to live a high quality of life, to send their kids to school and have a chance at education, to have a decent, respectable retirement, to have some health care, to be able to earn a decent living. That's what the progressive message is all about. That's what the Democratic caucus is all about.

And I think, Madam Speaker, that Americans need to look really, really hard and ask some very tough questions of our Republican colleagues because that's not what they're about.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 24, 2010, TO TUESDAY, SEPTEMBER 28, 2010

Mr. ELLISON (during his Special Order). Madam Speaker, I ask unanimous consent that when the House adjourns on Friday, September 24, it adjourn to meet at 10:30 a.m. on Tuesday, September 28, 2010, for morning-hour debate.

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

There was no objection.

PRAISING THE NORTH CAROLINA SCIENCE FESTIVAL AND 40 DAYS FOR LIFE CAMPAIGN

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

Ms. FOXX. Madam Speaker, today I want to pay tribute to the USA Science and Engineering Festival and the North Carolina Science Festival. The goal of these nonprofit, private sector-driven festivals is simple: present science to America's youth in a way that is hands-on, interactive, and inspiring.

From the Carolina coast to the mountains, scores of events will take place in the coming weeks to celebrate science. Winston-Salem's SciWorks, one of America's leading science museums, will also host several Festival events. Nationwide, organizers expect as many as 1 million people to participate in the Festivals' activities, a remarkable achievement.

These events are opening the doors of science labs and bringing science into the hands of America's youth. As a mother, grandmother, and former educator, I am well aware that inspiring greatness and encouraging education in science among our Nation's children is an important effort. I applaud the USA Science and Engineering Festival and the North Carolina Science Festival for working to achieve these goals and ensure America continues to be the world leader in innovation and scientific discovery.

Madam Speaker, I had the privilege this past weekend to speak with a group of committed and inspiring pro-life activists in Winston-Salem, North Carolina. This group is spearheading the local 40 Days for Life campaign in Winston-Salem, which brings pro-life citizens together in a 40-day prayer vigil and community outreach effort to stand up for the lives of the unborn. This week marks the beginning of the fall 40-day vigil in Winston-Salem, the fifth such campaign the group has led in the area, and one of hundreds happening in cities across the Nation.

In the short time that this 40 Days for Life group has been standing up for the rights of unborn children, at least 14 babies' lives have been saved. In my ledger, that makes this pro-life effort an incredible success. By involving more than 25 local churches and scores of pro-life participants, 40 Days for Life is making a broad impact for the pro-life cause in the community.

But this is only part of the story. Nationwide, the 40 Days for Life movement is growing stronger with each passing year. To date, 11,500 churches and 350,000 individuals have gotten involved in the hundreds of local campaigns, and the lives of 2,811 babies have been spared from abortion thanks to the courageous and selfless efforts of these pro-life groups.

Madam Speaker, this is a committed group of people who are dedicated to the rights of the unborn. I am proud to support those in North Carolina who participate in this important event and who would spend 40 days in fasting and prayer on behalf of those who cannot speak for themselves.

HEALTH CARE LAW 6-MONTH ANNIVERSARY

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

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk about health care on this, the 6-month anniversary of the signing of the Patient Protection and Affordable Care Act in the East Wing of the White House, March 23 of this year. It's interesting because since the passage and signing of that bill into law, support has actually decreased rather than increased.

This bill came to the House in the most unusual fashion. And in fact, our Speaker, Speaker PELOSI, was quoted as saying, ''We have to pass this bill so that you can find out what's in it.'' Well, that sounds pretty odd, doesn't it? It turns out the last 6 months have been just that, pretty odd.

On August 31 of this year, Secretary Sebelius, Secretary of Health and Human Services, said, quoting, ''Unfortunately, there is still a great deal of confusion about what the reform law is and what it isn't. We have a lot of reeducation to do.''

I don't know if that means they will be setting up reeducation camps for some of us, but nevertheless you have to wonder about the implications of that statement.

Now, it's interesting, I sit on a small little subcommittee on the Committee on Energy and Commerce. The committee is called Oversight and Investigations. Part of our jurisdiction is the Department of Health and Human Services, the Center for Medicare and Medicaid Services. You would think that our little subcommittee would perhaps have had some curiosity to have a hearing or two to talk about the implementation of this bill, to ask about how things are going, what's the future look like. It's been 6 months, maybe we could sit down and have a little talk. But we haven't done so.

I have sent letters to the chairman asking him to call the Secretary in. I have sent letters directly to the Secretary. I even gave an assistant Secretary a letter one day at one of our hearings and asked to please deliver it to the Secretary. We need to have some interaction with the Department of Health and Human Services in our little committee because the bill is complicated. The bill is complex. The bill is going to intimately touch the lives of every man, woman, and child amongst us for the next three generations.

And yet complete silence from the side of the administration, complete silence from the Democratic leadership of my committee, indeed the Democratic leadership of this House as to where is our oversight function in regards to the implementation of this bill.

This bill came about in the worst of any possible way. I don't know if people recall last summer our committee did work on a House product, a bill, a health care bill. It wasn't very good. I voted against it in committee. I voted against it again here on the floor in November when the Speaker of the House brought it up. But, nevertheless, we did at least go through some semblance of regular order here on the House side. Three committees of jurisdiction marked up the bill.

□ 1950

Amendments were to some degree allowed. The bill came then from the Speaker's office having doubled in size and came to the House floor, was debated all day one Saturday and then at the end of that Saturday evening passed by only one or two votes. But it's interesting. That was the end of the story for that health care bill, all 2,200 pages of it. It died that night shortly after it was passed.

What happened next between Thanksgiving and Christmas. The story shifted over to the Senate. The Senate took up a bill, H.R. 3590. This was a bill that had previously been passed by the House of Representatives in the summer of 2009. It was not a health care bill at the time. It was a housing bill. For the record, I voted against it; but it did pass the House and was sent over to the Senate to await action on a housing issue. This bill was picked up by the majority leader in the other body, dusted off and then said, ''This will be our health care bill.''

Now think for a minute. Why in the world would the other body decide to rework a housing bill that had been passed by the House and turn it into a health care bill? Well, I may have maintained from the beginning that this bill that the President signed, this law that the President signed in March of this year, was not anything to do with health care. This was a tax bill. And the majority leader in the other body recognizes full well that tax bills must originate in the House of Representatives, so he took a House bill. It didn't have anything to do with health care. It didn't have anything to do with health care taxes. It had to do with housing.

So the bill was amended, stripping out the existing language and then beginning to add in the health care language that they so dearly sought. But part of this process between Thanksgiving and Christmas was the cumbersome process of getting to 60 votes to cut off debate. Now it shouldn't really be too much of a challenge because the ratio in the other body at that time was 60 Democrats to 40 Republicans. Well, technically 58 Democrats and two independents who vote with the Democrats, so they had a pretty solid lock on that 60-vote majority to pretty much do whatever they want. But, still, it was tough. And the leader in the other body had some difficulty in getting his Members to sign on and agree to vote ''yes'' on this now health care bill, and we all remember the stories and they were uncomfortable. They were uncomfortable for me to listen to these stories as they came up.

You remember at Christmastime we heard about the Cornhusker Kickback; you remember the Louisiana Purchase; you remember Gator Aid down in Florida. And these were all payoffs, if you will, to certain Members of the other body to get them to agree to vote in favor of the health care bill. And when they got to 60 votes, they brought the bill up and they passed it in the Senate. This was accomplished on Christmas Eve and it was done in a great hurry to get the Senators out of town because a very large snowstorm was bearing down on Washington, D.C. and they all wanted to get home for the holidays and not be trapped here in the city over Christmas and New Year's. And they accomplished that goal. Now it was a bad process and it was hard to watch and in many respects it was very ugly in the process and many people across the country watched that and said, This is not what we elected our legislative branch to do. This is not the kind of work product we want to see them engaged in.

And as a consequence in those days after the start of the new year, people, the backlash, the pushback against what had happened in the Senate was beginning to be felt across the country, and it was felt in some unusual ways. It was felt in a special election in a small little State up in the Northeast, Massachusetts, where they were replacing Senator Kennedy; and, as a consequence, a Republican won a seat that had not been in Republican hands since anyone could remember. This so severe was the angst and anger of the American people when they saw what had happened in the Senate to the process.

So now the Democrats in the other body have a real problem. Now they only have 59 votes. How in the world are they going to get to 60 votes? They decide they just simply cannot do it and the House will have to pick up and pass the Senate bill, and since it originated in the House of Representatives and the House had already passed it, albeit it was a housing bill, not a health care bill but the House had already passed this legislation, it's a tax bill that originated in the House, went over to the Senate, it's being sent back to the House with the question, will the House now agree to the Senate amendments in H.R. 3590?

I didn't think there was any way. In fact the Speaker of this House said she didn't have a hundred votes for the Senate bill when it came back over. I thought she was right. I took her at her word. But then over the next 2 months they found a way to pass that bill. And late on a Sunday night, the third week in March, by one or two votes this bill was passed and immediately went down to the White House for a signature and a signing ceremony and thus you have the health care bill, the health care law, the worst of all possible worlds.

And is it any wonder with the way this legislation was drafted over in the other body that it is full of drafting errors. There are omissions of things, like a severability clause. At least in the House-passed bill as bad as it was—and again I voted against it—but in the House-passed bill we recognized that some of the things we were doing in that bill, some of the things that Congress was doing in that bill really skirted pretty close to being unconstitutional and if the Supreme Court actually found that to be the case and struck down a provision of the bill because we had a severability clause, only that section would be struck down by the Supreme Court ruling and the rest would be allowed to stand. The Senate bill lacks a severability clause. We hear a lot of stories about what are happening with 20 or 21 attorneys general across the country pressing a lawsuit because of the question of the constitutionality under the commerce clause of the individual mandate. Well, what if this were struck down by the Supreme Court? It is possible that the entire bill would fall because it lacked a severability clause. Simply an oversight, simply a drafting oversight, but at the same time a fairly significant one.

There was another oversight where physician-owned hospitals across the country that were under construction could not expand. They were allowed to continue construction but they could not expand beyond the number of beds that they had in operation as of the bill's signing. I had a hospital in my district that fell into this category, it's under construction, it's being built, the day of the bill signing it's not quite finished so zero beds are occupied. That hospital under a strict interpretation of the rules would not be allowed to expand the number of beds beyond zero. Well, that clearly was not the intent of the people who drafted the bill, but that's the way that the legislative language could be interpreted, and it took

several months working with CMS to try to get clarification. I'm not sure that we have the final report on that even to this day, but the hospital has been allowed to open and it has been allowed to open at least the initial 100 beds. But this is in a very vibrant and growing community in north Texas, and do you think the population in that area is going to increase, such that a 100-bed hospital will be sufficient from now and forevermore, or will perhaps someday they have to add some additional beds to that hospital? It's surely a possibility. And under the way the bill is drafted and drawn, the expansion of those hospital beds will not be permitted. But at least we were able to get clarification on the rule to allow that hospital to open.

Many people as the whole health care debate was going forward were insistent that Members of Congress take whatever health insurance we were forcing upon the rest of the country. Certainly a valid and legitimate request that the American people made of their Congress. So final passage of the Senate bill as it came over here did include the fact that all Members of Congress and their personal staff would be covered under the exchanges. They would have to purchase their insurance in the exchanges after they are set up in the year 2014. It is a little unclear what happens between now and 2014 since those exchanges do not exist, but nevertheless the language was written so that Members of Congress have to purchase their insurance in the exchanges. Staff has to purchase their insurance in the exchanges.

Oh, except for a couple of exceptions. We excepted leadership staff, so the staff of the Speaker of the House is not bound by this requirement. The staff of the committee that drafted the bill over in the Senate, not bound by this commitment. Staff in the White House, not bound by this commitment. Political appointees at the Federal agencies, not bound by this commitment. It seems like this must have been an oversight. Well, I'm not so cynical as to believe this would have been done on purpose. Surely this was just an oversight and surely that's one of those things that should be corrected.

□ 2000

Well, here we are 6 months later, the half-year anniversary of ObamaCare, if you will. The bill was signed, and what do you know? What Americans were promised didn't happen. And it's important that people understand what has happened and what didn't happen.

We were told by the President early in his administration that if you like what you have, you can keep it. How many times did you hear that repeated? But the reality is nothing could be further from the truth. And we actually got a glimpse of this almost on the day the bill was signed.

There were several companies that restated or had to restate their earnings because of some of the immediate effects of this bill as it was signed. Now, that was a point of some contention. Now, let me just quote a couple of paragraphs from a CNN story that was up on the Internet. The story is from CNN Money. The title of the story is ''Documents Reveal AT&T, Verizon, Others Thought About Dropping Employer-Sponsored Benefits.'' Digging into the story, ''In the days after President Obama signed the bill on March 24, a number of companies announced big write-downs due to some fiscal changes it had ushered in.''

''The announcements greatly annoyed Representative HENRY WAXMAN, who accused the companies of using the big numbers to exaggerate health care reform's burden on employers. Mr. WAXMAN, chairman of the House Energy and Commerce Committee, demanded that they turn over their confidential memos, and summoned their top executives in for hearings.

''But Chairman WAXMAN didn't simply request documents related to the write-down issue. He wanted every document the companies created that discussed what the bill would do to their'' expenses and to their health care costs.

The result was 1,100 pages of documents from four major companies and the realization by the chairman's staff that the write-downs were—I am quoting here—'' 'proper and in accordance with SEC rules.' The committee also stated that the memos took a generally sunny view of the new legislation. The documents'' . . . ''show that 'the overall impact of the health care reform on large employers could be beneficial.' ''

But nowhere—I am continuing to quote from the CNN Money article here. ''Nowhere in the 5-page report did the majority staff mention that not one, but all four companies, were weighing the costs and benefits of dropping their coverage.''

I am continuing to quote from the CNN Money article from March of this year. ''Indeed, companies are far more likely to cease providing coverage if they predict the bill will lift rather than flatten the cost curve.'' One company said, ''We do expect double-digit health care increases as most Americans will now have insurance and providers try to absorb the 15 percent uninsured into a practice.''

Well, we can begin to see, internally at least, in some of these organizations that they were having some serious discussions. From the final paragraphs of the article, ''if 50 percent of people covered by company plans get dumped, the Federal health care costs will rise by $160 billion dollars a year''—a year; not a 10-year window, but a year—in 2016, in addition to the $93 billion in yearly subsidies already forecast by the Congressional Budget Office.

Finally, I'm continuing to quote, ''Of course, as we've seen throughout the health care reform process, it's impossible to know for certain what the unintended consequences of these actions will be.''

So here we see a fairly significant disruption on what many Americans, probably 60 to 68 percent, rely upon for their health insurance, and that is employer-sponsored insurance. Could it go away as a result of this bill? It doesn't have to. But to answer the question honestly ''could it go away?'' the answer is companies will look at that from a cost benefit analysis. And when you consider for one of those companies the $1.8 billion a year that they would save by letting their employees buy insurance from the government exchanges and simply paying the fine, certainly those companies may have to make a choice that is uncomfortable for them. But certainly if you like what you have, it's going to be difficult to keep it.

Now, some additional things have come up since the signing of the bill into law in regards to what is called grandfathering. And it turns out, if a copayment increases by more than just a small amount or a deductible increases by more than just a small amount, the grandfathering clause will not be allowed, and those companies will not be allowed to keep their insurance. Once again, ''if you like what you have, you can keep it'' may become extremely problematic.

What about patients on Medicare? Over the next year, nearly 1.5 million seniors on Medicare Advantage could lose their benefits, if not lose their plan altogether, because of changes that came about as a result of passing this legislation. President Obama said, ''If you like your doctor, you can keep your doctor.'' But what does that really mean? A Houston Chronicle article, May 17, 2010, says, ''Texas Doctors Are Opting Out of Medicare at Alarming Rate.''

'' 'This new data shows that the Medicare system is beginning to implode,' said Dr. Susan Bailey, president of the Texas Medical Association. 'If Congress doesn't fix Medicare soon, there'll be more and more doctors dropping out and Congress' promise to provide medical care to seniors will be broken.' ''

Just for a moment let me display an ad that was run in some of the local papers up here on Capitol Hill. This was an ad produced by the AMA that does a good job of showing how expensive it becomes to fix the reductions in reimbursement to physicians under the Medicare system. Cost to fix today, $210 billion; in 3 years, it will cost $396 billion; in 5 years, $513 billion. These are indeed staggering sums.

There was an opportunity to fix this when the health care bill was done. We'll talk about that more in just a moment. But this is an important point that people need to bear in mind. There's a lot of anxiety right now. People are calling their doctor's offices and finding that if they are a new Medicare patient, their doctor may not be able to see them because the doctor simply cannot afford to allow any more Medicare patients into their practice,

and that is indeed a very uncomfortable position to place upon both patients and doctors.

One of the most startling things we heard about this legislation as it went through and this new law after it was signed that health care reform will create 4 million jobs, 400,000 jobs almost immediately, well, this really was one of the most hollow promises made during the run-up to the passage of this legislation. Health care law has not created a single job, much less 400,000; and, in fact, the growing costs on businesses associated with the law may cause many businesses to lay off workers.

Now, we talked just a little bit about large businesses, multi-State corporations that provide employer-sponsored insurance. What about the smaller business? What about franchise businesses in your community that may have several locations and employ 100, 150, 200 people? I am hearing from those individuals literally every day. They do not know what to do. They do not know where to turn. They provide jobs that might be thought of as entry-level jobs. Yes, they pay the minimum wage. Yes, their benefits are not generous and some of them do not have benefits. So, great. These workers now will have the ability to buy insurance in the exchange. But if a worker purchases insurance in the exchange, whether the employer provided the option for insurance or not, that employer is now fined $2,000. Extrapolate that to a 100-person workforce and a 150-person workforce, and it's not long before you have eliminated any possibility of profitability for those businesses.

So I have people in my office all the time talking to me, asking me about this, talking to me about the problems that they are seeing on the horizon, the immediate horizon. And over and over again, I hear the same thing: I will tell you what I'm not doing right now; I'm not expanding. Any position that comes open, I'm thinking long and hard before I fill it. In fact, I think I will reduce my workforce significantly.

No H.R. director in the country right now wants to be responsible for hiring that 51st employee in a business because that triggers a whole host of new requirements as brought about by the law.

From the White House, the health care czar, Nancy-Ann DeParle, said the law will make health care more affordable for Americans. Is that a fact? What's really happening? This law is causing health care insurance prices to increase. The Wall Street Journal reported the reform is causing rates to increase up to 20 percent, 20 percent for some buyers. In Connecticut, rates are increasing at 18 percent for small businesses and 14 percent for the self-employed. Early retirees and others who buy their own coverage also see that same 14, 14½ percent increase, who are buying their own coverage as of the beginning next month, October 1, 2010.

Further, Secretary Sebelius of the Department of Health and Human Services actually sent out a letter detailing the fact that insurance companies were misleading people and that they were to remain silent on these issues of increased prices.

Now, I don't know about you, but that is disturbing. We've had the Secretary talk about reeducation, and then we've had the Secretary talk about you are not allowed to exercise your free speech rights when it comes to talking about the cause for price increases in your insurance product.

□ 2010

The fact is nobody knows right now; and again, I would stress, we have not had oversight hearings. Our chairman has not called oversight hearings in our committee. I am troubled by the increases I hear people talking about in their insurance. When I talk to groups of doctors back home, it is no longer discussion about how am I going to be able to do the medical treatment of my patient. Most of the questions I get even from doctor groups now are: How am I going to keep up with the new taxes? How am I going to provide health insurance for my employees because of all of these new regulations, and because of the fact that the cost is going up so fast that no company can even give me a quote on what my insurance costs will be next year?

Now, if insurance companies are simply pricing in what they see as a premium because they are worried about the effect of this bill in the future, maybe we should talk about that in committee. Maybe we should have some actual information about that. If insurance companies are indeed increasing prices because they are having to price in some of these new benefits that were mandated and come into effect essentially today at the 6 month anniversary of the signing of this bill, maybe we should have that discussion. The fact is, we don't know. No one knows. Insurance costs are going up. There is some suspicion that they may be inappropriate rises, but there is some suspicion that these may be elevations in costs that are occurring because of the unintended consequences of the new mandates that are put upon insurance companies.

Surely this is important enough for us to ask these questions on behalf of our constituents and our families back home. And surely this is important enough that the Secretary can spare a few moments from her photo-op tour on the 6-month signing of this bill to come into our committee and discuss this with us.

We had numerous hearings on how insurance companies were overcharging for their product leading up to the run-up of the passage of this bill. Maybe we ought to have a few of those companies in and say, well, Congress passed a bill that was going to hold the costs down and now the costs are going up, and we want to know why. It is a fairly simple question to ask, and I don't understand why we have yet to ask it.

What about this one: When the President ran, when the President talked about health care, all during last summer he said: These negotiations will be open. They will be transparent. I will have everyone around a big table, and we will have it on C–SPAN. You will be able to watch it until you are sick of watching it.

What about the promise of being the most transparent administration ever? The President said negotiations would not be performed behind closed doors, but on camera in front of the American people on C–SPAN for all to see. And what really happened? This law was written behind closed doors by committee staff. Those very same committee staff who, by the way, are exempt from the changes that were brought about in this bill.

On May 9, 2009, there was a big, secret meeting in the White House, a big meeting. Who was there? Well, the AMA was there. American Health Insurance Plans, AHIP, was there. PhRMA, the big Pharmaceutical and Research Manufacturers Association was there. The Service Employees International Union was there. Why they were there I don't know, but they were represented. AdvaMed, the medical device manufacturer, was there. The American Hospital Association was there. The President emerged from that meeting that morning, that bright May morning, and said, All of the stakeholders have come in and around the table we have all agreed to savings of $2 trillion in our health care system. Wow, $2 trillion, that is pretty significant.

It did raise some questions in my mind, but I am okay with that if they can extract those kinds of savings from those various interest groups. That is great. Let's see the data. No luck on that. I wrote to the White House repeatedly. I wrote during the summer, and I wrote during the fall. I asked for the information. I got nothing.

In December of 2009, I filed what is called a resolution of inquiry in the House of Representatives asking the White House to produce documents, emails, written notes of meetings. A resolution of inquiry has to be heard within 15 legislative days in the committee otherwise it proceeds directly to the floor as a privileged resolution. Obviously, the chairman does not want that to happen, so my bill was brought up, interestingly enough, on the same day as the President delivered the State of the Union message this year, so that day late in January. The resolution of inquiry was brought up, and I was informed that my resolution was overly broad, and I really could not have those things.

Just for a moment indulge me. I want to go back to that CNN Money article from last spring. I want to remind this body of Chairman WAXMAN's words when he thought the private companies were simply raising their prices because they didn't like the President's health care bill. Again, quoting from

the article, Chairman WAXMAN, chairman of the House Energy and Commerce Committee, demanded that they turn over their confidential memos and summon their top executives. But Chairman WAXMAN didn't simply request documents related to the write-down issue; he wanted every document the companies created that discussed what the bill would do to their most uncontrollable expense, health care costs.

Well, our request was not even as broad as Chairman WAXMAN's request was to legitimate American businesses. Yes, we asked for emails, communications, memos, minutes of the meetings. We got nothing. At the end of the day, Chairman WAXMAN, to his credit, did say of the 11 things I requested, I should receive some information on 6 of those 11. And Chairman WAXMAN and Ranking Member BARTON did write a letter to the White House asking for the same. We got a couple of press releases and we got some reprints of White House Web sites, but really no significant documents. And I was told that there really wasn't anything written down. There really weren't notes made of these meetings.

Well, wait a minute. You have six major stakeholders of cost drivers in health care down at the White House, you come out and announce $2 trillion in savings, and nobody wrote anything down? Two trillion dollars in savings, and no one scratched that number in the margin of a big yellow legal pad and made a note of it? No one emailed a colleague and said, We just saved $2 trillion, yea for us! I am asked to believe nothing was written down at these meetings and that all of the documents that I have received are all that I can expect to receive.

Well, okay, then we passed the bill, and remember, we were told that it would save $142 billion over 10 years. President Obama himself came to the floor of this House and said he had a plan that would result in a net savings to the American people. And what really happened? We passed the bill. The House passed the bill. Again, I must stress that I voted against it, but the House passed the bill in March. And a month later we get an amended report from the chief actuary's office at the Center for Medicare and Medicaid Services which said, Oh, by the way, the cost of this bill is $318 billion more than what you were told it was going to be.

Well, that concerned me. Getting this actuarial report from the Center for Medicare and Medicaid Services raised a question in my mind: Did the Department of Health and Human Services know their report would reveal higher costs? Was this information that was in fact available when the House voted on this bill? Or were we so misled, was this House so misled by its leadership, that it voted on a bill knowing full well that we did not have adequate cost data in order to make this type of determination.

□ 2020

Remember, we are talking about restructuring almost one-fifth of the American economy in this legislation. Is it possible that the leadership of this House—the Speaker and the majority leader—would have brought to the floor, in front of Members of their side and our side, a bill for consideration when they didn't even know the cost this was going to place on the American people?

So I asked for information. I asked for information from the Secretary of Health and Human Services. I asked for information from the chief actuary. I did not get a response. So, in July of this year, I filed another resolution of inquiry, this time dealing with the actuarial report from the Centers for Medicare and Medicaid Services. After filing the resolution of inquiry, I finally got a response. On August 3, Secretary Sebelius wrote to me.

It reads: ''Thank you for your letter regarding recent reports by the Centers for Medicare and Medicaid Services' chief actuary. For your review, I have enclosed an August 2 memorandum from CMS Chief Actuary Richard Foster to CMS Administrator Donald Berwick about the timing and process for the Office of the Actuary's preparation of financial coverage and national health expenditure estimates for the Affordable Care Act. I wanted to send it to you immediately as it addresses many of the questions and concerns raised in your letter.''

Well, again, I did not get this response until after I had filed the resolution of inquiry. Dr. Foster's memorandum, indeed, says that he received the reconciliation bill for the health reform legislation when it was publicly issued on March 18, which was 3 days before the House vote took place on March 21. Because of the complexity of the legislation, it was not possible to estimate the bill's financial and other impacts before the House or the Senate voted. We began to work on the estimates right away, but were not able to finalize them until the afternoon of April 22.

Well, obviously, it would have been helpful to have received this information when I had first requested it. It would have been helpful to have received this information before filing the resolution of inquiry, but it doesn't answer the broader question. Okay. I accept the chief actuary's version of the events. He has got no reason to tell me anything other than what is factual and truthful; but if what he says is factual and truthful, the legislation was publicly issued on March 18. Three days later, the House took a vote on March 21, and he didn't know what the cost was until April 18.

Did the Speaker of the House know that it was going to be another month before she would actually have the cost data? Is it okay for this body to vote on a piece of legislation that, again, is one-fifth of the American economy and that is going to affect every man, woman and child amongst us for the next three generations? Is it okay to do that with a price tag that is simply a question mark? It's unknown. It's coming next month. What's the rush? Why don't we have that information before we vote?

I still have not received the information that I've requested. Again, the documentation, the emails, the meeting notes, they do raise questions because it was so hard to get this information. I'm not a suspicious person by nature; but when no information is forthcoming, it raises questions in my mind.

Is there something here that someone is trying to hide? What did they know, and when did they know it? You know the scenarios. You've heard them before. Why was it so difficult to get this information from Secretary Sebelius and the Department of Health and Human Services? Why did it take an act of Congress—literally, an act of Congress—to get a simple response to a fairly straightforward request?

Then most disturbing and most importantly, why would the House leadership, why would the Democratic leadership of this House, bring before this body late on a Sunday night a bill, again, that is going to affect every man, woman and child amongst us for the next three generations, without knowing what the cost of that legislation would be? It's shocking when you stop and think about it.

Again, I reference Chairman WAXMAN. He asked for every jot and tittle of information from legitimate private companies in this country that were doing their required SEC filings. He wanted to know everything about how they came to their decisions, and I can't have the simplest of documents from the Department of Health and Human Services and from the Centers for Medicare and Medicaid Services? What is wrong with my having that information?

Now, the resolution of inquiry came up for a vote today in my committee. It was reported without recommendation on, basically, a party-line vote. There were a couple of Democrats who voted with me on that. Reporting a resolution of inquiry out without recommendation means that it's essentially killed. That's the end of it. It's not coming to the floor for a privileged resolution. There is no action that must be taken by the Department of Health and Human Services or by the Centers for Medicare and Medicaid Services.

At some point in the future, I hope the committee will have the wherewithal to ask the Secretary and to ask the actuary, Donald Berwick, in to talk about the troubling time around the passage of this bill when this House voted on altering one-fifth of the economy of this country with incomplete data, with insufficient data, to actually make a determination.

Again, remember, one of the selling points of the Patient Protection and

Affordable Care Act that was brought to us time and again was: we save money; over the next 10 years, we're going to save $142 billion. False. Wrong. Not true. In fact, over the next 10 years, not only is there not a savings, but there is a net deficit; there is a net addition to the deficit of $318 billion.

Would anybody have voted differently? I don't know the answer to that. I was a ''no'' when it started. I was a ''no'' when it ended. If it had cost another $318 billion, I would have been a ''no'' because there wasn't a stronger negative vote for me to cast.

How about someone who was wavering—someone who voted ''yes'' and who thought, I'm really not sure if I should vote ''yes,'' but everyone tells me it's going to save money, and I want to save money, so I'll vote ''yes''? Would that person have voted differently? I don't know. I don't know, Mr. Speaker.

It would be interesting, as people go home during the month of October to petition their constituents for reelection, if perhaps that question might be asked: Would you have voted the way that you did if you knew that this bill, in fact, cost an additional $318 billion?

This health reform legislation remains secretive, hidden, behind closed doors. It is probably one of the most secretive things that this Congress has ever done in its history.

We were told that this reform would make it easier for small businesses to provide health insurance for their workers. One thing I heard over and over again all summer long from small businesses across my district is that complying with the new 1099 provision will be time-consuming and costly. It's expected to cost an additional $74 an hour to complete. And if not done correctly, guess what? That's a monetary fine. Due to the strict compliance, only a small fraction of businesses will be able to apply for any tax credits that are contained within the bill. Yes, there is an expiration date on those tax credits.

The 1099s have been particularly onerous. In fact, there have been bills introduced by both sides. Both sides have said maybe we ought to do away with the 1099. Republicans had a motion to recommit that contained a repeal of the 1099. Some Democrats have offered similar legislation. I say that's fine. I'd like to see the entire bill repealed, but you know what? If it has to be piece by piece, that would be a good piece to start with, wouldn't it? Let's repeal that. Let's stop putting that additional burden on our small businesses.

Today is the sixth-month anniversary. There are some new changes that are coming about as a result of the health care law. Today, young adults can remain on family health plans until they turn 26. No one disputes that that's a good thing. In fact, that was taken from a piece of Republican legislation, from a bill that was offered by the gentleman from Missouri, from a Republican Member of Congress, to allow youngsters to stay on their parents' plans until—I think his level was age 25. We could have argued. We could have debated about: Is 25 or 26 the right number there?

The fact of the matter is that could have happened a year and a half ago. It is happening today. Arguably, it's a good thing, but at the same time, was it necessary to turn the entire health care system in this country on its head in order to accomplish that goal?

Immunizations for kids: it's not the first time that has been brought up, and it's not the last time. Arguably, it's a good position, but let's face it: we could have done that without disrupting the whole health care system in this country. We probably could have done that without it costing $1 trillion. Why didn't we do that a year ago? Why didn't we do that a year and a half ago?

□ 2030

Some other things, preventive care, cholesterol screenings. But I would stress, as great as these benefits are and as important as it is for kids to have coverage until age 26, nothing happens in a vacuum. This doesn't happen for free somewhere. Someone somewhere is going to have to pay for it. Will that pay-for be some of the dollars that we saw in the higher premiums that insurance companies are charging now? Again, we don't know. It would be a great question to ask. It would be a great question to ask; bring your books in, let's talk about this. You raised your rates; was part of it because you have to cover kids up until age 26?

Some companies that I've talked to have explained to me that that is an additional cost that they are now taking on. Some others have told me that perhaps we will just stop covering children altogether so we don't get faced with that. But nevertheless, we ought to have those oversight hearings. We ought to have people who deal with this every day in to talk to us about how this is going. Maybe there are some ways we can improve it. Maybe there are some ways we can keep it from costing so much. We don't know because we don't ask.

All of the things that kick in today that are arguably good things, any one of those could have been done without disrupting the entire health care system and without costing $1 trillion. Many were ideas that were introduced by Republicans over the last several years. Existing legislation was out there, could have been picked up and passed at any time, but the fact of the matter is it was not. The bottom line is the bill does disrupt the health care system for everyone in this country, and it does cost, as we know now, well north of $1 trillion. That is going to be problematic for some time to come.

One of the other things about the implementation of this law is the deadlines that were missed, and it is important to pay attention to those deadlines. These were bits and pieces of legislative language that were included in the bill, presumably for a reason, presumably for a good reason, and for whatever reason the Department of Health and Human Services has decided that they don't matter, so we're not going to do them right now.

Required by April 22, shortly after the bill was signed: requiring the Department of Health and Human Services to publish a list of its new authorities, an action described as complying with an important transparency-in-government provision. Well, what actually happened on that date was the Department of Health and Human Services just simply reproduced the table of contents from the bill; hardly, hardly complying with the spirit or the intent of that language in the bill.

The law required, by May 7, 2010, proposing methodology and criteria for designating what qualifies as ''medically underserved populations'' and ''health profession shortage areas.'' Again, maybe the determination was made by Health and Human Services that this was not important. Someone thought it was important enough to include it in the bill. We should at least be given an explanation as to why that deadline was allowed to expire without action.

Required by May 7, 2010: establishing a government task force to develop a strategy to improve government health care programs in Alaska. Again, this was important to someone and included in the bill for some reason. Perhaps we are owed an explanation as to why that deadline has lapsed and when we might expect to see compliance with that.

Here is an ironic one. Required by May 22, 2010, to comply with what's called the Early Act: establishing an advisory committee to assist in creating and conducting an advertising campaign to educate young women about breast cancer and breast health, including early detection. Again, this language was important to a Member of this body, important enough to have it added to the bill. I believe this language was, in fact, important to a Democratic Member of this body. Why was it not thought important enough to meet that deadline? And if the Secretary is going to have difficulty meeting that deadline, perhaps she owed an explanation to Congress about why that deadline was allowed to lapse and when we might be expecting to see compliance with that deadline.

Required by June 1, 2010: that the National Association of Insurance Commissioners was supposed to provide technical guidance to the Secretary to what is known as the Medical Loss Ratio, the MLR. That didn't happen. The deadline was much too tight.

Now, this was interesting because lots of places in the bill it says ''the Secretary shall,'' which means there's going to be rulemaking over at the Department of Health and Human Services and a new rule is going to be introduced by the Department of Health and

Human Services. But this one, the rulemaking was kind of outsourced, if you will, to the National Association of Insurance Commissioners, certainly a fine group who have a lot of expertise and a lot of knowledge in this area. It turned out that they said they were unable to comply with this deadline and, as a consequence, were given an extension on that until the end of July. I don't think we're quite there yet, though we are getting close. And the Secretary is reviewing the documents that were provided to her by the National Association of Insurance Commissioners, but if she is having difficulty deciding on the validity of the documents that they provided her, whether or not what has been recommended is the correct course, perhaps we could have a hearing in committee and have that evidence presented, have those documents presented to the committee so we might understand something about it.

I do want to just briefly mention that there will be, Madam Speaker, a hearing—not in the hearing room. This will be a forum on the Medical Loss Ratio conducted by the Congressional Health Care Caucus, healthcaucus.org. This will be Tuesday of next week at 1 p.m. eastern time. At healthcaucus.org, you will have the ability to watch a Webcast or a simulcast of this forum. And the forum will be preserved in the archive section of the Web site, so people who are interested in learning about the Medical Loss Ratio, here will be an opportunity to do so. Unfortunately, we're not going to have that in our committee, but I thought this was important enough to bring to people's attention, and so we will be having that discussion next Tuesday on the Health Caucus Web site.

There certainly was some imprecision about how this bill was crafted, some imprecision coming out of the Department of Health and Human Services. According to The New York Times, the new high-risk pool program is so underfunded that it will cover fewer than 10 percent of those who are denied health insurance because of preexisting medical conditions. Remember, that was just one of the selling points of this legislation. The President stood right here in the well of this House in September of last year and said never again will you be denied insurance because of a preexisting condition. It turns out that's not exactly true. This law provided $5 billion to help people with coverage for preexisting conditions. It turns out, when the money is spent, the money is spent, and until the exchanges are set up in 2014, no additional help will be forthcoming. A good idea, an idea that was actually talked about by Senator JOHN MCCAIN during his Presidential campaign in 2008. The fact of the matter is the Congressional Budget Office estimated that it would cost $20 billion to do that.

Former Member Nathan Deal and I introduced legislation to cover just this situation, H.R. 4019 and H.R. 4020, that would provide for preexisting coverage. Those bills are still available. They could have been passed instead of turning the entire health care system on its head, instead of spending north of $1 trillion. For $25 billion—because we added an additional $5 billion because we weren't sure that $20 billion would cover the number of people who needed to be covered. For $25 billion, we could have had one of the main features that has been promoted as to why this health care bill, why this health care law was necessary.

Deadline after deadline has been missed, but in spite of that, the administration has found time and the resources to send brochures to seniors on Medicare highlighting the benefits that they will receive and, in fact, even hiring a spokesperson in the form of Sheriff Andy Griffith to talk about the new health care bill, the new health care law.

Just going back for a moment to the chart that was produced by the American Medical Association about what's called the sustainable growth rate formula, the health care reform debate and time was the perfect opportunity to address this. Let's be honest; there were significant cuts in Medicare to pay for these new entitlements. The American Medical Association was supportive of this legislation as it came through. I would just simply offer the observation, since this sustainable growth rate formula is so onerous and preventing patients from having access to doctors, wouldn't it have been nice to at least have a down payment on solving this problem with the sustainable growth rate formula when this bill was discussed, when this bill was passed?

□ 2040

December 1 of this year physicians across the country face a 23 percent reduction in Medicare reimbursement. An additional 6.1 percent has been proposed by the Centers for Medicare and Medicaid Services. Doctors face an almost 30 percent reduction in Medicare reimbursements starting January 1 of next year.

It's even worse than it sounds. Many private insurance companies in this country peg their reimbursement rates to Medicare. So if Medicare is reducing 30 percent, guess what happens to some of the private insurance companies? They reduce 30 percent their reimbursement rates also. This is an extremely onerous burden that we've placed on our country's physicians, physicians that we've asked to take care of some of our most sickest and most vulnerable patients, those with multiple medical conditions, those covered under Medicare.

Medical liability reform. We had the opportunity to do it. We didn't do it. It needs to happen. We're asking doctors to be our partners in this brave new world of health care. The least we could have done was provided them a little bit of respite from some of the burdens they face with medical liability and oh, by the way, we might be able to reduce the cost of defensive medicine, which is one of the cost drivers that's driving up the cost of health care.

From an oversight perspective I've called for hearings to examine the implementation of this massive bill. My subcommittee has the jurisdiction to call in the secretary of HHS, the administrator at the Centers for Medicare and Medicaid Services. Chairman WAXMAN has refused to do so. I don't know what will happen next year. Perhaps we will have an opportunity to actually question some of those individuals.

In fact, the stimulus bill that this body passed in February of 2009 contains some money for helping physicians in hospitals purchase information technology that everyone recognizes as important for going forward in implementing any type of health care change in this country. But the reality is that the rule that was produced in January of this year regarding meaningful use was so difficult that most hospitals and most doctors will not be able to live with that.

We tried to alter that. We tried to get CMS to understand some of the difficulties that people would have in the real world dealing with this. Some relief has been achieved, but we're still a long way from an actual solution there.

This law, this bill, when it was passed on the floor of this House late on a Sunday night in March of this year, 55 percent of the public opposed this bill. Fifty-five percent of the public supported repealing the bill on March 25, 2 days after its enactment. Six months later, what has happened to that figure? It has increased. Over 60 percent of the American people believe that this bill ought to be repealed.

The Department of Health and Human Services has spent millions on television commercials featuring people like Andy Griffith and brochures sent to Medicare beneficiaries.

The audacity of the administration to disregard the opinion of the majority of Americans is unacceptable. Remember, we are government by the consent of the governed. The governed did not consent to this. The governed did not want this. The governed are now rejecting this legislation.

There was a better way. There are dozens of bills that would lower costs and increase access. Many of them have been covered on the health caucus Web site that I referenced a moment ago.

The fact of the matter is, this Congress, whether we like it or not, is faced with this massive health care law. In my opinion it should be repealed. The law is so massive, the structure, the reordering of structure is so onerous on our medical system that it's almost as if it were designed to fail. It's like building a bridge to the

Moon. You will collapse of your own weight before you get only a fraction of the way there.

It's hard to know whether the difficulties encountered in this bill, this law, are the result of incompetence or malevolence, but it doesn't matter which.

The time to repeal this bill is now. I urge the leadership of this House to recognize the mistake. Don't wait for another Congress. Let's do this today.

CONSTITUTIONAL REPUBLIC

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

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the United States House of Representatives, this formally most deliberative body that has such a long and deep tradition that goes back two centuries and a generation or more.

And here in these Chambers and the Chambers that have preceded these across the capital throughout the years have come the discussions and deliberations that have helped direct the destiny of America. Times of wars have been declared here. And there have been many State of the Union addresses delivered and heads of state that have come here to stand here at the rostrum and tell America, to the United States House of Representatives—accompanied often by the United States Senate and the Cabinet members and the Supreme Court, representatives from the Pentagon and others—to address the destiny of America and help direct our destiny.

And it has been true that the voices of America have been heard in these Chambers over and over again throughout the generations. And it's what it was designed to do by the wisdom of our Founding Fathers. Our Founding Fathers understood—and I believe that God put them to work on our behalf—our rights come from Him. We know. And it is a matter of fact that's clearly delineated in our Declaration of Independence. It's been carried out by many of the words of the leaders that we have had that have emerged over the years, over the centuries, and over the generations.

Our rights that come from God, debated here in the United States House of Representatives, in this American destiny which is the product of His Providence and the product of the collective judgment of the American people and the vision and the wisdom of this Republic. The Constitution guarantees us not a democracy but a republican form of government. That means a government that's established by representatives of the people. And those of us here that are the products of the elections that have the privilege to represent the 435 congressional districts in America, we aren't the products of a democracy. We're the products of the votes by the citizens of America that direct us to carry out our duty as representatives in a republic.

That means that we owe our constituents our best efforts and our best judgment.

And part of that best judgment is to spend a lot of time back in our districts listening to our constituents, carrying out our arguments, using them as a sounding board because they're busy in real lives. They're busy going to work every day, raising their families, living the American dream in many cases. And they have asked us, directed us, hired us, and we've asked for the privilege to represent them here with our best judgment, here in the center of the capital of the greatest Nation on Earth, the unchallenged greatest Nation in the world, the United States of America.

You hear this magnet of Washington, D.C., which is the center for information that comes in the world, and it's available to us. Each of our offices is a magnet for information. And through our office comes the wisdom of our constituents and the wisdom of America. It's our job to hear the pleas of the people and understand the arguments that they make, and evaluate them, the empirical data, evaluate the urgency that they deliver it to us with, and sort out the highest priorities and bring those priorities into this body.

And we're also here gathering data from around the world and from around the country that comes directly into our office, and we're to evaluate all of that and bring out of it a rational, prioritized solution for the destiny and the direction of America. That's the vision and the wisdom of this constitutional Republic known as the United States of America. The vision and the wisdom.

And I note that in Texas when they went through the effort to establish the textbooks that would be delivered and often go all the way across America, they made sure that they changed the language in the books so that it is clear that the students in Texas know, and soon it will be clear that the students all across America know, that this is a constitutional republic.

So here we are, Mr. Speaker, on the floor of the United States House of Representatives, a place where we're to gather and bring to this floor the wisdom of America, coming out of the mouths of 435 Members of the United States House of Representatives. And that, brought up to and compared to the wisdom that's collected out of the 50 States from the 100 Senators, from that's to come the policy of the United States of America over to the desk of the President, where he has the opportunity to sign and ratify or veto the legislation that we send to him.

□ 2050

And here we are today with a Congress that's dysfunctional, Mr. Speaker, a Congress that over 200 years of tradition and history and practice has provided for open rules that allowed for any Member of Congress to bring an amendment to an appropriations bill. Maybe even at the last minute. Maybe an amendment that was written not on a piece of parchment—that was a little bit before my time anyway, but possibly it could have been. Could have been written on a napkin. Could have been written on a place mat. It could have been produced on a computer in an office or typed out now on a BlackBerry and sent down here. But introduced to the Clerk of the House as an amendment even at the last minute. And any Member could, under those circumstances of an appropriations bill, bring that amendment up, require a debate and force a vote on the subject matter that was before this Chamber.

That practice had taken place for over 200 years, Mr. Speaker, and now it's gone. It's been taken away by Speaker PELOSI. The first year that she held the gavel of the Speakership we still had the semblance of an open rule that went on for about half of that appropriations cycle, and then it was shut down. No more open rules to appropriations bills. Shut down. During that period of time, my staff advises me that I was successful in passing more amendments than anybody else in the United States Congress. It wasn't my goal to rack up more amendments, but it was my goal to make sure that my constituents were heard.

And we brought those amendments to the floor in 2007, many of them successfully. But in the aftermath of that abbreviated appropriations season, what we saw happen was a change in the rules that restricted Members from bringing amendments and eventually became the de facto closed rule system that shut down and shut off the input that came from all of these Members of Congress, who had been out reaching out and gathering information and becoming the repository for the collective wisdom of their congressional districts. Added to that their judgment, their research, their analysis, all of that shut down and shut off by order of the Speaker of the House.

No more amendments on appropriations bills unless the Rules Committee up there in the hole in the wall committee where very seldom does any press go and very rarely is there a television camera in there. And they meet often in the middle of the night. And they write a rule such as a rule that deems a bill to have passed. It's pretty infamous that the chair of the Rules Committee, LOUISE SLAUGHTER, advocated that they not bring ObamaCare to the floor of the House for a debate and a vote, just simply deem it as passed. Deem a bill as passed.

Can you imagine, Mr. Speaker, how the Founding Fathers would shudder at the thought that they could create this great deliberative body and this constitutional Republic that could be reduced down into the chair of the Rules

Committee advocating that they simply deem that a bill is passed rather than debate it, put it up for amendments, and allow the collective wisdom of the United States of America, as processed through the voices of the Representatives, to work their will so that we can produce a policy that's good for this country?

They set up the right debate structure, they set up the right process, and it's been usurped by this Speaker to the point where even it's a closed rule on appropriations now. Where one can't even begin to offer an amendment. Where I went up to the Rules Committee to—you are supposed to go up there and beg them to allow you to make an argument or a debate. I have never done that. I can't bring myself to beg the Rules Committee.

But, nonetheless, at 1:30 in the morning on ObamaCare, I had 13 amendments up before the ObamaCare bill was to come to the floor the next day, and I waited a long time in line for an opportunity to make my case for those 13 amendments. And the Rules Committee, one of the senior members had the audacity to lecture me for wasting staff time to write the amendments and apparently for wasting trees to print them up in paper. Because whatever ideas might come from a Member of the House of Representatives, I should have known—and he told me I should have known—that the Speaker has decided that none of my amendments will be considered, therefore why did I waste the time. Why did I waste the paper to introduce them into the RECORD? That's the kind of thing they can get away with when they are up there in the hole in the wall, the Rules Committee up there in the corner, unaccountable to the press, not on television, no one reviewing them outside of this body.

And I can come down here and tell you that, Mr. Speaker, and a few people will hear it, and a lot less will be outraged; but even that intolerable circumstance is even worse than that because of the no open rules on appropriations has now been reduced to for this year no appropriations bills and no budget.

So when the President proposes his spending plan, I guess you could call it a budget—we don't accept the President's budget. This is the House of Representatives. The Constitution requires that all spending bills start here. They don't start in the White House. The White House makes a recommendation, and it's our job to process it through the Budget Committee and produce the document that is the collective wisdom for supposedly the entire United States House of Representatives that sets the spending limits for the appropriations process. A budget that says don't outspend your budget, and you can spend it in these categories that are laid out by the Budget Committee. And that's the fiscal restraint.

No budget bill in this Congress; no appropriations bills in this Congress. So we no longer need the rule that says you don't get to offer an amendment on them because there are no bills to amend.

Mr. Speaker, we're at the point where this United States Government is being run by the iron fist of the Speaker hanging onto the gavel, dictating to 435 Members what she will do. And we're no longer accessing the collective wisdom of 306 million Americans. We're just accessing the collective wisdom of the Speaker's staff and whoever else can penetrate through that circle as part of that staff.

And how can we believe that the equivalent of a dictatorship can run this country as well as the collective wisdom of the American people? Our Founding Fathers saw the wisdom. They set up the constitutional Republic so we could gather all the wisdom of the American people and sort the good ideas from the bad, the wheat from the chaff, and bring the highest priorities to the top throughout the system of representing each district and coming in here to introduce legislation, bring it through the hearing process, the subcommittee and the committee process, and to the floor of the House.

Where, then, when a product is produced by the wisdom of the entire House, it can go down to the Senate, where they can work their will. And if they have some better, some sage, ideas, go ahead and fix it a little bit and send it back to us. And if they are good ideas, we'll ratify it, and we'll send it to the President. That's how it's supposed to work, Mr. Speaker. It is not working that way.

The system, the process has been shut down. Democrats and Republicans should be outraged at what's happening to America because the wisdom of America is being locked out of the process here in the United States Congress.

And we watched, and a number of us vigorously opposed what some declared to be the passage of ObamaCare. ObamaCare, the President's signature piece of legislation, rejected by the American people, who under the constitutional guidelines came here to the Capitol building on at least two occasions, and I would argue several more, by the tens of thousands to petition the government for redress of grievances and to argue don't take our liberty away.

The people in the United States want to be able to buy the health insurance policy of their choice. They want to be able to take care of their own personal responsibility. They don't want to have the Federal Government cancel every health insurance policy in America, which they will do under ObamaCare. And they don't want the terms of their health care dictated by the Federal Government. They want to be able to buy a catastrophic health insurance policy with low premiums and high deductible. They want to be able to couple that with an HSA and grow that into a retirement fund once they've done a good job of managing their life's health. They want to be able to shop for a policy of insurance across State lines so they can look for cheaper premiums and fewer mandates.

They don't want Federal mandates on their health insurance. None. And they surely don't want an expansion of Federal mandates on health insurance, whether it's brought to them by Democrats or Republicans. No Federal mandates on insurance. Let people vote with their feet. Let them buy across State lines. Repeal the McCarran-Ferguson Act, which is the Federal statute that allows the States to establish monopolies for health insurance companies within those States. Let people break out of those chains.

But ObamaCare came at us and was passed here off the floor of the House of Representatives when it did not have the majority support of the 435 Members that were here. And, Mr. Speaker, you might ask how did it pass then? How did it pass here barely, by a small little margin of votes if it didn't have the support of the majority of the House?

□ 2100

And the answer to that is, well, there had to be a couple of backroom deals made that had to be announced to the press so that they could at least make the excuses that they made, but they didn't have the votes to pass ObamaCare as it was. That bill that turned into almost 2,500 pages of legislation could not have passed the House if it weren't for two promises. One of them was that there would be a reconciliation package that would come out of the Senate that would come here to be voted on within so many days of the passage of ObamaCare, and another one was the President promising to BART STUPAK and others, the ''Stupak dozen,'' that he would issue an Executive order that would fix the problems in the legislation that were created by the language of BEN NELSON, the Senator from Nebraska.

So in that day, under that scenario—think of this—they could not produce 218 votes to pass ObamaCare unless there was a solemn oath that convinced the people that were going to vote for ObamaCare, that were elected to vote for ObamaCare, that the Senate would pass a reconciliation package that made a number of other changes and that the President would sign an Executive order that would amend the Ben Nelson Federal funding for abortion language.

Think of this: How naive would you have to be? How far would you have to stick your head into the sand, Mr. Speaker, to believe, first, the language that came out of the Senate in the reconciliation did happen, but to believe that the President of the United States could sign an Executive order that would amend the law that was passed by the House of Representatives and the United States Senate? That is an unconstitutional concept to its very core.

Congress has the legislative authority, not the President. The President's responsibility is to faithfully ensure and take care that the laws are enforced and the policy that the Congress directs is carried out. That's what needs to happen. That's the constitutional framework. The President doesn't have the authority to sign an Executive order that amends the language that has been approved by a majority vote in the House and a majority vote in the Senate. But a number of people over on this side of the aisle cast their vote for ObamaCare—about a dozen—on the promise that President Obama would sign an Executive order that would alter the legislative language and its effect when it came to Federal funding for abortion. That is what I and many others would call the tiniest little fig leaf for people who wanted to vote for the bill in the first place but said they took a stand on principle and they wanted to find a way out from underneath that. So they hid behind this tiny little fig leaf called the President's Executive order. But the votes weren't there to pass ObamaCare on that day without it and without the promise that the Senate would pass legislation that would change the language that was being voted on in the House.

Think of it; the chair of the Rules Committee just simply wanted to deem that ObamaCare passed and not have a vote, deem it passed. And the promise, though, was that the Senate will pass some legislation to fix a mistake that you are about to make; and, by the way, if you think that taxpayers shouldn't be compelled to fund abortions in the United States of America, the President will fix that with an Executive order. And we are here to believe that this is still the greatest deliberative body in the history of the world and that it's the collective wisdom of America? I say not. I think not, Mr. Speaker.

This system, this process has so devolved downward that it no longer functions as the Congress was envisioned to function. We now must alter, abolish, and change the direction that this Congress is going and put new people in place, people with gavels in their hands chairing committees, people that adhere to the Constitution; put in place the requirement that we introduce legislation that identifies the specific sections of the Constitution that grant the authority of this Congress to introduce and pass such legislation, that there's a constitutional foundation for all the legislation that we pass. And I believe there is a reasonable chance that that will happen and that the changes will take place in November and that there will be a major sea change in the seats in this Congress. A breath of new constitutionally and fiscally responsible vigor will come a-washing in over this Chamber.

But in the meantime, we need to lay down the parameters and reestablish this covenant with the American public that we will function in a constitutional fashion, that we will balance the budget and start to pay down the national debt and be straight with the American people on how difficult that is. I want to see a balanced budget come to this floor that balances this budget in 1 year—not in 20 years or 50 years or 10 or 9—1 year. And, yes, I expect that that first balanced budget offered that balances the budget in 1 year will be so painful that it's not going to pass. But we need to tell the American people what we have to do to balance this budget. Right now this Congress doesn't have the will to even tell America what it takes to balance the budget.

And we must, as an early—and I will argue first—order of business, bring the repeal of ObamaCare to the floor, to pull ObamaCare out by the roots, lock, stock and barrel, root and branch, so there is not one vestige of ObamaCare left behind, Mr. Speaker, because ObamaCare is not the product of the American people. It's the product of legislative strong-armed activity that used the maneuvers of ''deemed to pass,'' the Senate promise of reconciliation, the President's Executive order, and the willful neglect on the part of Members of the House of Representatives.

I yield to the gentleman from Texas so much time as he might consume.

Mr. GOHMERT. I appreciate my friend from Iowa pointing out some of the problems with the ObamaCare bill and one of the things that just made it a dishonest bill from the beginning. We know this is language from the Constitution itself, Article I, section 7, ''all bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.''

Well, if you go back and look at the legislative history of the ObamaCare bill, you find out that actually that was a bill that was to help veterans with tax credits, as I recall, for the first-time home purchase. It was a bill that originated out of the House because you've got to comply with Article I, section 7, all bills to raise revenue shall originate in the House of Representatives, and that bill obviously had bunches of taxes in it, even though the President assured us over and over that it was not a tax itself. Certainly it raised revenue. And the Senate knew that. And the President, although his attorney general now disagrees with him—certainly he didn't back at the time. The President said it's not a tax; it's not a tax. Well, now they are saying, well, maybe it is a tax.

Regardless, there's revenue raised in the bill, so it should have had to have complied with Article I, section 7. But we all know that it was the Senate ObamaCare bill that came down here, and we had to vote for it without being able to amend it. The reason was it was a veterans' bill to assist first-time home purchasers who were veterans and so that the Senate could say, well, it did originate in the House.

They took the bill for our veterans, to help our veterans, and they stripped out every blooming word, including the title, and substituted, therefore, ObamaCare. Nearly 3,000 pages were substituted for a bill that originated to help our veterans.

Wow, what a juxtaposition that was. So anyway, that's why I say, of course, we know nobody in Congress is dishonest because the rules tell us that, but the bill was dishonest because it purported to be a bill to help veterans, but everything, including the title, was stripped out and substituted with that massive tax increase and the mandate upon all citizens that is just going to get worse and worse.

□ 2110

You know, we were told there would be no rationing in the President's health care bill. And it turns out, the Dr. Berwick, who was put in charge after it became law, said something along the lines of it is not a question of whether we are going to have rationing, it is when and if and who, or something like that. So there is going to be rationing. And what does that mean? It means seniors who rely on Medicare to live are going to be told, You know what, you are at the end of the line. You probably don't have that many years to live anyway, so under the President's wonderful ObamaCare program, you are not going to be able to be part of who gets some of this rationed care. That is the kind of thinking that we are talking about.

And if I might address something that just came up today, of course the Republican leadership rolled out The Pledge, and we will talk about all of that some other time. The thing that I wanted to point out was that I saw the Democratic leadership on the news before I came over saying here these Republicans were talking about wanting to help small business, and then they had to rush in from a hardware store so they could vote against this wonderful small business bill.

Well, I guess it is all in the eyes of the beholder whether that is beautiful or whether it is just abominable, but just to mention a few of the things that bill that was passed today to help small business—supposedly, purportedly, actually according to title II, there will only be a fraction of small businesses that will qualify for any tax relief.

It would allow for full exclusion of the gain from the alternative minimum tax, but it is only going to help a small fraction.

And when you get over to title IV of this bill, and the bill was actually to provide funds for loans to small business owners so they could hopefully stay in business. But you really get to the heart over in title IV, where it says there would be $30 billion in a small business lending fund, and it would authorize the Treasury Secretary to

make capital investment in banks that have less than $10 billion in assets.

Now, those sound like pleasantries, but the fact is when you are talking about the Treasury Secretary making capital investments, you're talking about people who have not had enough of buying up private business in America. We are talking about a government who tried to force TARP funds into the hands of small banks. The ones I knew wouldn't take it. They didn't want the Federal Government's grimy hands dripping down into their bank telling them what they could or couldn't do, and for the good reason that they were healthy before the government messed things up. They were doing fine until the government let the huge investment banks that give 4 to 1 to Democrats, let them run them amok, let them get in trouble, and nearly bring down our economic system.

And because the investment banks got into trouble and our community banks for the most part were doing okay before Chicken Little Paulson ran around screaming the financial sky was falling, well now, this bill, purportedly for small business, is actually going to let the government get its grimy hands into ownership of smaller community banks that were doing fine until the Federal Government tried to mess up the economy.

And also, the proposal does not require, this bill doesn't require institutions to lend to small businesses. It gives them incentives to lend, but it lets the government get their hands into the community banks.

And so the bottom line: We know that come the first of the year, that there is going to be the largest tax increase in American history if we don't vote to stop it. We understand today Majority Leader HOYER announced that there would be no vote on extending the current tax rate before the elections. And I am telling you, betting isn't legal in Texas, but if I were able to bet something, I would bet you that there are sure not going to be the current tax rates extended in a lame duck session. The only chance of having the current tax rates continue after January 1 is if the American public puts so much pressure on this leadership. And we have some Democratic friends across the aisle, and they really want to see the tax rates extended because they know it will cripple business. They have been hearing from people who say that, If you let my taxes go up, the biggest they have ever been up in my lifetime, you are in trouble. So there are assurances, don't worry about it. But I'm telling you, when the election occurs, the leverage is gone. People will be voted out of office who have been hurting small business, and there will be no pressure that can be brought to bear in a lame duck session to get the lame ducks to extend the same tax rates.

Mr. KING of Iowa. Reclaiming my time just to pose a question to the gentleman from Texas, if you are suggesting that the people who are in the majority in this Congress know that there will be a punishment that will hurt businesses, and that would be why some of them would want to extend these Bush tax cuts or make them permanent, as I do and as you do, is that really it? Is it their conscience, or is it the political pressure that is coming to bear now before the election, and what will be the results and the aftermath? Is it in their heads and their hearts to keep the taxes up because they think government can spend the money better? And is it in their political survival instincts to try to posture themselves in straddling the fence until such time as there is an election so that they can continue to allow the tax cuts to expire at the end of the year?

Mr. GOHMERT. Well, my friend from Iowa poses a wonderful question, and to make such a judgment call as to the motive, what was the intent here of those now who are saying, you know what, we are going to probably extend the current tax rates. As a judge for a decade, what you would do is you would look at the evidence. And the evidence in this situation is that for 3½ years our Democratic friends across the aisle have had the majority, and they have not lifted a finger to try to do anything about the massive tax increase that is going to hammer small business, hammer families.

I don't know why anybody who considers themselves homosexual would want to get married because you are going to get hammered with a marriage penalty. Anybody who is married is going to get hammered with a marriage penalty because the Federal Government, and it has gone through administrations of both kinds, Republicans and Democrats, and it has not been finally eliminated, as it should have been, but married people will get hammered. And small businesses will get hammered.

So we figure it is only right now when there is a massive hue and cry, millions and millions of people have taken to the streets, have come to Washington, come to St. Louis, come from across the country to tea parties saying we demand tax relief, that now all of a sudden right before the election, all of a sudden there is the feeling, you know what, don't worry, we will deal with this tax increase after the election.

Well, my friend, I believe it is time to worry because, and I do believe, I have talked to enough friends across the aisle, they know it is going to hurt business because they have talked to business people who have made it clear to them you are going to kill my business.

The point about the small business bill today that just says volumes about the way this leadership looks at the American workers and business' money: They think it is theirs.

So their idea is the best thing we can do for business is let your taxes go up higher than they have ever gone up at one time, let that happen January 1 and here is how we will help you. The bill we pass today will allow us to provide some of your money that we will invest in local banks so that we will be able to dictate policy to the banks because we will own part of them.

□ 2120

Then we'll get those banks to loan you your own money that we ripped from your hands, come January 1, with this huge, massive tax increase; but we're going to loan it back to you. That's how much this majority—I won't say ''this majority''—I'll say this majority's leadership—loves small business. We are going to pry the money away from your hands at the worst possible time in taxes. But good news: we're going to loan it back to you. Congratulations.

Mr. KING of Iowa. In reclaiming my time here, Mr. GOHMERT, I'm just thinking about how this works.

The expiration of these Bush tax cuts has been marching towards us for a long time. We know, when we get into the silly season of politics, any decisions that are made in Congress are made to send a message to the voters and not necessarily to provide the best policy to the American people. Call me a cynic, but I think your pundits and your historians will recognize that Congress does things just prior to an election that aren't particularly rational unless you put them within the context of the lens of sending a message to the voters that you're really not as bad as they think you are, for example.

So any of this decision could have been made with responsibility and foresight. It could have been made in any of the preceding months. It could have been something that was concluded in June or July, for example. We could have extended these tax cuts for 10 years, or we could have made them permanent, which is as I would have preferred; but it didn't happen.

I take this back to 4 years ago, in 2006, when Democrats won the majority in this House of Representatives. CHARLIE RANGEL, the esteemed former chair of the Ways and Means Committee, was the apparent person who would become the new chair, formally, on the third day of January of 2007. CHARLIE RANGEL went on the talk shows all over America, and they began asking him: Which of the Bush tax cuts would you like to keep? Which of the Bush tax cuts would you be willing to see or like to see expire?

I listened to a lot of that. I never heard a definitive answer from CHARLIE RANGEL. In fact, it has been a long time since we've heard a definitive answer from CHARLIE RANGEL. Yet, throughout that period of time, from November until February, the pundits were asking questions, and smart money investors were making decisions and were drawing a calculus on what they thought might happen to the potential extension of the Bush tax cuts.

Smart money concluded almost 4 years ago that there would not be extensions of these Bush tax cuts. Then you saw, beginning in late January and early February of 2007, a dramatic drop-off in industrial investment because smart money knew that the cost of capital was going to go up and that the profit margin would go down. That, I believe, was one of the early indicators that started to drive our economy down. Where we sit today is watching these cuts that could have been extended and could have been made permanent in any month prior to now. Now we're down to the last week before the election, and we're pretty confident it is not going to happen.

As bad as it is to see this large, huge, looming tax increase, the most immoral and diabolical of all is the death tax—the death tax that doesn't exist today. People who pass away in 2010 can pass the entire amounts of their estates on to the next generations without a tax penalty. George Steinbrenner, one of those examples, avoided the taxman. However poor the happenstance was of his being called home this year, the billionaire George Steinbrenner's family didn't have to pay an estate tax. However, at midnight on December 31, at the instant the ball drops in Times Square in New York, someone who passes away a second after that ball hits bottom will be looking at a new death tax that has a $1 million exemption, that starts at a 55 percent tax and goes up from there. That means that the family farm that might own two sections of land in Iowa will have to give up half of that land just to pay the taxman, and there is no relief in sight.

It is the class envy component of this which concludes that, no matter how much you pay, no matter how many taxes you pay on the equity that you have, if you have paid the tax on it and have accrued the capital and the net asset value, we are going to tax you again after you're dead.

I've taken calls in the past, and I think many Members of Congress have taken calls in the past from family members who have had someone of whom they were having to ask the question of whether they should put them on life support or whether they should take them off of life support. The question was predicated upon: Will there be a tax liability or won't there be associated with the life of a loved one?

This Congress must resolve this issue because, if we march forward to December 31 at midnight, there will be thousands of Americans lying on death beds, with their families gathered around. Sometimes that terminally ill family member will be coherent and rational and will say, Do not pay this tax. Don't put me on life support. Unplug me from life support. I want to pass away in 2010 so you don't have to pay the taxes on everything that I've earned all my life and that I've already paid the taxes on.

Those are the circumstances. This diabolical and cruel policy will put families in the position of having to ask the question of whether they should try to keep their family members alive longer, with the chance that they might have some weeks or months of fulfilling lives, or whether they should take them off of that life support. Worse yet, it will happen. The time will come. If we don't fix the death tax, it will happen that there will be family members who make decisions to unplug or to not plug in loved family members, even at their requests, because those family members are not expected to live past midnight on December 31. Then, at the stroke of midnight, if that person draws another breath, there is immediately a 55 percent tax levied against all but $1 million of his life's work and his life's savings. It is cruel, it is diabolical, and it should not ever happen in the United States of America.

That was set up because that was the best deal that could be gotten, and there was a belief back in those years of 2001 and 2003 that this Congress would have a conscience, a conscience that would prohibit them from allowing us to go forward to December 31, which would put people in a position like that. Mr. Speaker, I will tell you that, of all of these taxes, the death tax is the most cruel. It is the most egregious. It is the most diabolical. It is a sin to put people in this position, and this Congress is determined to go down that path because their class envy trumps their compassion for people who have to make decisions like that.

The gentleman from Texas.

Mr. GOHMERT. My friend from Iowa is so correct.

I actually have one of my constituents who has got a lot of farmland in east Texas, and he told me a couple of years ago, You guys have got to do something about the death tax. He said, My kids are all grown. They're adults. They went and hired their own accountant, and they all talked to him. The accountant explained that, the way the law is set up, if I die before the end of 2010, there is no death tax at all. He said, you know, We're land rich and cash poor. We don't have a lot of cash. It's in land. The land keeps us going. We make money off of it; but if we have to pay the tax, we're going to have to mortgage the land, or we're going to have to sell the land. We can't keep it if I don't die in 2010.

He said, Now, my kids are kind of smiling and kidding about it, but I'm starting to get a little nervous because they've said, You know, Dad, the accountant says, if you don't die before the end of the day on December 31 of 2010, we're going to lose 55 percent of our land. So we're kind of nervous about it, and we're kind of wanting to know where you're going to be during December in case we have to get with you.

You know, he said, they're kind of kidding and kind of laughing, but I'm starting to get worried.

I saw him just a few weeks ago. I asked, Are you still worried?

He said, You haven't fixed the law. You bet I'm worried.

Yes, there's a $1 million exemption, but it's still a 55 percent tax. It is outrageous.

Now, my immediate family will probably never be affected at all by the death tax, but if you're a person of principle who believes the Founders had the right idea that socialism didn't work, it doesn't work and it won't ever work, then you have to know that the death tax is a Socialist notion that says you accumulated too much in your life, so we're going to take 55 percent away from you and give it to other people who didn't earn it.

□ 2130

Now, I've mentioned this before, but it is so important. I was watching a replay of the different news shows from about 11 p.m. to 3 a.m. and I was hearing people talking about all the young people, all the students that wonder what's wrong with socialism. Well, I was exposed to what's wrong with socialism, why it doesn't work, in one little incident that occurred while I was an exchange student in the Soviet Union.

We were out visiting a collective farm, a socialist farm in socialist Russia—actually, this is Ukraine—and it was about 20, 30 miles outside of Kiev. The farmers were sitting in the shade and the fields looked pitiful; I mean, any farmer in east Texas would have been embarrassed to have fields like that. And this is mid-morning. It's morning. It has still not gotten really hot yet. It's the time, if you work on a farm or ranch, you try to get your work done before that sun gets too hot, and they were all sitting in the shade laughing and cutting up. So I spoke a little Russian and I said, trying to be as nice as I could without insulting them, When do you work out in the field? And they all laughed. And one of them that kind of talked more than the rest said, I make the same number of rubles if I'm out there or if I'm here, so I'm here.

Well, there it is. If you're going to pay somebody for work they don't do or you will pay them the same amount of money if they do work, most people aren't going to work, and the system always falls in on itself. The only way a free market system fails is when people start thinking, wouldn't socialism be a good idea? And they start moving toward people being paid not to work, and then it falls in on itself. As the old saying goes, back from the 1700s—Tytler, the author, was given credit, it may have been him, maybe not—but capitalism always fails and democracy fails when people find out they can vote themselves largesse from the Treasury. Then they always vote for the people that will give them the most

money and then the system fails for lack of fiscal responsibility. So that's what we're looking at right now.

Let me also say that these same folks that are saying we want to help small business and we did so today and this is how we're helping, we're going to let your tax rates go up higher than they have ever gone up at one time come January 1, but the good news is, with all that massive amount of money we're going to pry from you, we are going to loan it back to you and have you pay us interest on it.

I don't know how anybody could think they're helping the middle class when you look at the 10 percent tax bracket. Now, those aren't people that are making a lot of money that are paying 10 percent taxes right now, but come January 1, their tax will go up 50 percent. How in the world can somebody say, Oh, we care deeply about the middle class, so if you're paying a 10 percent tax because you're scraping and struggling to make ends meet, so we've got only a 10 percent tax on you, but we are going to let it go up 50 percent, you'll pay 15 percent come the first of the year; and also, if you're in the next to the lowest bracket paying 25 percent, your taxes are going to go up 3 percent to 28; if you're in the 28 percent bracket, it's going to go up to 31; if you're in the 33 percent bracket, it will go to 36; and the 35 percent bracket it will go to 39.6.

But it doesn't stop there. The marriage penalty will return from the first dollar of income. The Child Tax Credit will be cut in half from $1,000 to $500. I mean, that's $500 immediately out of nobody's pocket but the very middle class that this group is saying they're so dedicated to helping. I hear from the middle class every day saying, Enough already. We don't need any more of your kind of help.

The standard deduction will no longer be double for married couples relative to the single level. The dependent care tax credit will be cut. That's all middle class help that will go away. And then it will be higher taxes on people that are trying to save money and on people that are trying to invest money so they can elevate themselves. And what are we going to do? We're going to jump up the capital gains rate by 33 percent—15 percent will go to 20 percent.

And then there are these other taxes like the tanning tax. It imposes a 10 percent excise tax on getting a tan from a tanning salon. And then there is the medicine cabinet tax, that Americans will no longer be able to use their health savings account or flexible spending account or health reimbursement pretax dollars to purchase nonprescription drugs. This is part of the deal that this administration cut with the big pharmaceuticals because they said, you know, you promised to give $80 billion, or whatever it is, but here's the deal we'll work out—not on C–SPAN like the President promised over and over, but in a private conversation they cut a deal with the big pharmaceutical companies.

Don't worry about it. You give us $80 billion, you're going to make a lot more than that because we will make people with HSAs buy prescription drugs. So hayfever pills that I've taken since I was 8 years old when hayfever season hits in east Texas I will no longer be able to get for $2.84 for 100. I'm going to have to buy a prescription drug. Well, guess who that helps?

And then there is the brand name tax that will kick in. We've got just all kinds of tax problems that are going to kick in. The alternative minimum tax, the employer tax hikes are all going to hit come January 1, and it will be a disaster.

And just so people understand, if you are single, you have a 10 percent tax if you make less than $8,375. Well, good news for Americans. We're letting them know here tonight that this group cares so much about you for making less than $8,000 a year we're going to raise your taxes from 10 to 15 percent. Congratulations. And if you're married and you make less than $16,750 as a married couple, guess what? We love you so much, we're going to raise your taxes 50 percent as well from 10 to 15 percent. It's just incredible what we're doing to people.

And people know back home—it's like Reagan used to talk about. There's nothing scarier than hearing the words ''I'm from the government, and I'm here to help you.'' These people across America don't need any more help like this. We're going to raise your taxes by 50 percent if you're in the lowest income bracket, but don't worry. We're going to loan you money back, your own money back to you, and let you pay interest to the government.

I yield back to my friend.

Mr. KING of Iowa. I thank the gentleman from Texas.

A couple of things I would add to that. I want to go back and cap off the estate tax argument and one of the other ways it applies.

You said land rich and cash poor, and that happens all across this country. And some of that land is poor. When people say they are land rich, they're land rich with poor land even, but that's the expression. And there is a tradition that goes out; there are roots that go into the land. Those of us that have lived on the land and made a living out of it and look around at our neighborhoods and know that the generations that grow off and on of that land are committed to making a living out of it and seeking to establish a way that they can pass that land along to the next generation. It's a matter of tradition. It's a matter of pride. It's family lore. It's a distinction of having that chance. People came out across the prairie in a covered wagon and walked behind the oxen to live free or die. They put their stakes out there in the four corners of their 160 quarter section and homesteaded it.

We have a lot of family farms in Iowa that go back 100 years, even 150 years, and some of those are broken up by the estate tax that looms over the horizon. One of those that is at risk of being broken up right now is one that I actually came across last week, and I want to make a statement here for the RECORD tonight, Mr. Speaker. The representative of that farm is Landi McFarland, a mid-twenties young lady that is a sixth generation that has been raised on that land.

□ 2140

That land that's known as Hoover Angus Farm. And they run a pure Red Angus operation and the other things that go along to make that balance within that land that's down there in southern Iowa and those beautiful rolling, grass-covered green hills in that part of the State and that part of the country and the world. And as a sixth generation who lives and breathes to live on that land and carry out the dreams of her ancestors and her father and her grandfather and the people that went before her, wants nothing more than that chance for the next generation to live there and do the same thing and build on Hoover Angus Farm.

And yet, they're looking at an estate tax that would wipe out half of that land that's been put together.

And the cruel, cold heart of people that don't understand that, that never lived that life, that don't know about being land rich, even with poor land, and cash poor, and knowing that half of that land could be taken away just to satisfy Uncle Sam, do not begin to understand that when you put together an operation, sometimes it takes generations to pick a piece of ground here, a 40 here, an 80 there, a 160 here. And after a while you've got a unit, a land-based unit that's symbiotic, it's balanced. It produces the feed and the productivity and has the grain storage and the transportation links and the building network that allows for the whole unit at all to function as a unit.

And if Uncle Sam steps in there and half of that has to go, a lot of times it will destroy more than half of the value. You can't just cut it in half. You can't just say, Well, here's your half acre, and here's Uncle Sam's half acre, and turn it into a checkerboard and think it functions again. It does not. It becomes dysfunctional. And the value of the unit diminishes. You can't split it.

So you have to decide whether you can sell something off and maintain that unit or whether that unit becomes of less value and no longer functional and competitive, in which case it gets split up to other interests—perhaps sold at a discount because it's no longer a unit—and the legacy of six generations of Hoover Angus and then Landi McFarland could end overnight if we don't fix this estate tax problem that we have.

And another component that the American people need to think about is the chilling development in

ObamaCare. And it is this—and I have said, Mr. Speaker, a number of times right here from this same podium, that ObamaCare is the nationalization, and when I say ''nationalization,'' I mean coming under the ownership, management, or control of the Federal Government, ObamaCare is the nationalization of your skin, Americans, and everything inside of it. It's the Federal takeover of your skin and everything inside it. The second most sovereign thing that you have is your health. The first most sovereign thing you have is your soul.

The Federal Government takeover, nationalization of your skin and everything inside it, and a 10 percent tax on the outside if you choose to walk into the tanning salon. A tax on the outside of your skin to fund ObamaCare. How outrageous can that be?

And here's the milestone, Mr. Speaker, it's the first component of a national sales tax with all of the elements of the Federal income tax and all of the things that Mr. GOHMERT has talked about and identified here that are expanding and poised to grow and increase dramatically.

One of our fears has been that we would have a sales tax coupled with an income tax and all of these other series of taxes. The tanning tax is the very first Federal sales tax that's imposed on anybody that goes into a tanning salon.

Now, I don't suggest that it's a tax on a lack of melanin in the skin—although some have suggested such a thing—but I will tell you flat out specifically that it is the first national sales tax on a product.

And if the Federal Government can impose a national sales tax on a service, they can impose it on any sales or service whatsoever in the United States of America.

And if we're to do that, we need to abolish the IRS, eliminate the Federal Tax Code, wipe it all out, and convert it all over into a consumption tax. Free us up from the burden of the IRS. That's what needs to happen, Mr. Speaker.

But these are two points that I think are essential to make. When you watch family businesses where the tax has been paid on the equity in that business and watch when it passes to the next generation, if the Federal Government's got to step in and impose a tax on an estate that's already paid its taxes on its equity, it takes that family business, that family factory, that family farm, and it separates it in half, and like a lot of things, even the baby that Solomon spoke of, it's worth a lot less in two halves than in one whole.

Mr. Speaker, I appreciate your attention and your indulgence tonight, and I'm absolutely convinced that I have convinced you.

I yield back the balance of my time.

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. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, September 30.

Mr. JONES, for 5 minutes, September 30.

Ms. FOXX, for 5 minutes, today and September 24.

Mr. DENT, for 5 minutes, September 24.

Mr. GINGREY of Georgia, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land; the Committee on Natural Resources.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes; the Committee on Natural Resources.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act, the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4505. An act to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

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.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

H.R. 6102. An act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A–18E, F/A–18F, and EA–18G aircraft.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on September 22, 2010, she presented to the President of the United States, for his approval, the following bill.

H.R. 3978. To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, September 24, 2010, at 9 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, priort to the vote on passage, the attached estimate of the costs of the bill H.R. 5307, To amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5307, WITH AMENDMENTS, THE ULTRALIGHT SMUGGLING PREVENTION ACT OF 2010, AS TRANSMITTED TO CBO

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: The bill would increase penalties assessed by the Department of Homeland Security on certain smuggling activity by including ultralight vehicles in the definition of aircraft. Because the number of annual violations is small, CBO estimates that enacting the legislation would increase revenues collected by the agency by less than $500,000 in any year and over the 2010–2020 period.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to vote on passage, the attached estimate of the costs of the bill H.R. 6008, the Corporate Liability and Emergency Accident Notification Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6008, THE CLEAN ACT, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 6008 would increase the civil penalties assessed by the Pipelines and Hazardous Materials Safety Administration for certain violations. Because the number of annual violations is small, CBO estimates that enacting the legislation would have no significant effect on revenues collected by the agency.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6156, To renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6156, TO RENEW THE AUTHORITY OF THE SECRETARY OF HEALTH AND HUMAN SERVICES TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 6156 would renew Section 1130 of the Social Security Act for the 2011–2016 period. Section 1130 allows for demonstration projects related to child welfare to be operated by the states. Those projects are required to be cost-neutral, and the Department of Health and Human Services has mechanisms in place to ensure that this requirement is met. As such, there would be no costs associated with the renewal of Section 1130.
Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Route 5 Bridge Swing Span Demolition, Chickahominy River, Charles City County, VA [Docket No.: USCG-2008-1181] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Sector Lake Michigan, Chicago River Main Branch, Chicago, IL [Docket No.: USCG-2008-1174] (RIN: 1625-AA11) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Southport, CT [Docket No.: USCG-2008-0532] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [Docket No.: USCG-2008-0536] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Severn River and Spa Creek, Annapolis, MD [Docket No.: USCG-2008-1182] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restrictions on the Columbia River Bar and Tillamook Bay Entrance on the Oregon Coast [Docket No.: USCG-2008-1199] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS GERMANTOWN (LSD-42), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0537] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Lake Union, Seattle, WA [Docket No.: USCG-2008-0561] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 66, Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0562] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thea Foss Waterway, Tacoma, Washington [Docket No.: USCG-2008-0539] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Cedco Inc. Fireworks Display, North Bend, OR [USCG-2008-0540] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [Docket No.: USCG-2008-0563] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [Docket No.: USCG-2008-0564] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [Docket No.: USCG-2008-0541] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 647 to 648, Knoxville, TN [Docket No.: USCG-2008-0565] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Oaks Park July 4th Celebration, Portland, OR [Docket No.: USCG-2008-0542] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Richmond Independence Day Fireworks Display, Richmond, CA [Docket No.: USCG-2008-0573] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Rainier Days Fireworks Celebration, Rainier, OR [USCG-2008-0543] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Radio Network Fireworks Display; Ocean Beach, San Diego, California [Docket No.: USCG-2008-0578] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Ilwaco July 4th Committee Fireworks, Ilwaco, WA [USCG-2008-0544] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special local regulation: Fran Schnarr Open Water Championships, Huntington Bay, New York [Docket No.: USCG-2008-0583] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Shores, MI [Docket No.: USCG-2008-0586] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Tri-City Chamber of Commerce Fireworks Display, Columbia Park, Kennewick, WA [USCG-2008-0545] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 101.0 to Mile Marker 102.0, Morgantown, WV [Docket No.: USCG-2008-5074] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay Rama Fishfly Festival Fireworks, Lake St. Clair, New Baltimore, MI [Docket No.: USCG-2008-0587] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Splash Aberdeen Waterfront Festival, Aberdeen, WA [USCG-2008-0546] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair Shores Fireworks, Lake St. Clair, St. Clair Shores, MI [Docket No.: USCG-2008-0588] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Florence Chamber 4th of July Fireworks Display, Florence, OR [USCG-2008-0548] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the St. Petersburg (Tampa) Captain of the Port Zone [Docket No.: USCG-2008-0550] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Stockton July Fourth Celebration, Stockton, CA [Docket No.: USCG-2008-0556] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Hanford Nuclear Stack Demolition, Hanford, Washington [Docket No.: USCG-2008-0591] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 366.3 to 369.8 [COTP Sector Upper Mississippi River-07-025] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise 4th of July Fireworks, Lake Superior, Paradise, MI [Docket No.: USCG-2008-0608] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0557] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USCGC EAGLE, Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0558] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Bellingham Bay, Bellingham, WA [Docket No.: USCG-2008-0559] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Elliott Bay, Seattle, WA [Docket No.: USCG-2008-0560] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2007 Marine Corps Air Station Beaufort Air Show, Beaufort, South Carolina [COTP Charleston 07-058] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Port Terminal Reach, Charleston, South Carolina [COTP Charleston 07-062] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor, Hog Island Channel, Charleston, South Carolina [COTP Charleston 07-095] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays in Broad Creek Shelter Cove, Hilton Head Island, South Carolina [COTP Charleston 07-140] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Edisto River, Prospect Hill Plantation, Edisto Island, South Carolina, Fireworks Display [COTP Charleston 07-160] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cedarville 4th of July Fireworks, Lake Huron, Cedarville, MI [Docket No.: USCG-2008-0609] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Fireworks Display, St. Lawrence River, Alexandria Bay, NY [Docket No.: USCG-2008-0613] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of San Francisco Fourth of July Celebration, San Francisco, CA [Docket No.: USCG-2008-0508] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harbor Town, Hilton Head Island, South Carolina [COTP Charleston 07-161] (RIN: 1625-AA00) received August, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Oakland Independence Day Celebration, Oakland, CA [Docket No.: USCG-2008-0510] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blackburn Point, Sarasota, Florida [Docket No.: USCG-2008-0513] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beaufort River Fireworks Display, Beaufort, South Carolina [COTP Charleston 07-169] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Westshore Cafe Independence Day Celebration, Homewood, CA [Docket No.: USCG-2008-0515] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, River Front Park, North Charleston, South Carolina [COTP Charleston 07-242] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 460.0 to 470.0, Cincinnati, OH [Docket No.: USCG-2008-0519] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charelston Harbor, USS Yorktown, Patriots Point, Charleston, South Carolina [Docket No.: COTP Charleston 07-267] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kings Beach Fourth of July Fireworks, Kings Beach, CA [Docket No.: USCG-2008-0524] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carquinez Strait, California [COTP San Francisco Bay 06-013] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; American Legion Coastside Fireworks Fourth of July Fireworks Display, El Granada, CA [Docket No.: USCG-2008-0525] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carquinez Strait, California [COTP San Francisco Bay 06-019] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0526] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jack London Square Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ohio River Mile 322.1 to 323.1, Ashland, KY [Docket No.: USCG-2008-0527] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. TOWNS: Committee on Oversight and Government Reform. H.R. 5815. A bill to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena the attendance and testimony of witnesses, and for other purposes; with amendments (Rept. 111–623). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. OBERSTAR, Mr. COSTELLO, and Mr. LEWIS of Georgia):

H.R. 6190. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, 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. considered and passed.

By Mr. MILLER of North Carolina (for himself, Mr. PRICE of North Carolina, Mr. KISSELL, Mr. BACA, Ms. TITUS, and Mr. CONNOLLY of Virginia):

H.R. 6191. A bill to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending; to the Committee on Financial Services.

By Mr. STARK (for himself and Mr. LANGEVIN):

H.R. 6192. A bill to ensure that foster children are able to use their Social Security and Supplemental Security Income benefits to address their needs and improve their lives; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. STARK):

H.R. 6193. A bill to require States to take certain additional steps to assist children in foster care in making the transition to independent living, and for other purposes; to the Committee on Ways and Means.

By Mr. POLIS (for himself and Mr. CASTLE):

H.R. 6194. A bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes; to the Committee on Education and Labor.

By Mr. GARY G. MILLER of California:

H.R. 6195. A bill to provide for additional district court judges for certain judicial districts, and to provide for the cross-designation of special assistant United States attorneys to prosecute certain border-related offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. WESTMORELAND, Mr. COBLE, and Mr. GRAVES of Missouri):

H.R. 6196. A bill to amend title 23, United States Code, to modify the deadline for filing a claim seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6197. A bill to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively; to the Committee on Natural Resources.

By Mr. CONYERS:

H.R. 6198. A bill to amend title 11 of the United States Code to make technical corrections; and for related purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Ms. FALLIN, Mr. COLE, Mr. LUCAS, and Mr. BOREN):

H.R. 6199. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. POMEROY (for himself, Mr. SAM JOHNSON of Texas, and Mr. MCDERMOTT):

H.R. 6200. A bill to amend part A of title XI of the Social Security Act to provide for a 1-

year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. BISHOP of Georgia, and Ms. FUDGE):

H.R. 6201. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania (for himself and Mr. ANDREWS):

H.R. 6202. A bill to withdraw the consent of Congress to the interstate compact between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. CAPUANO:

H.R. 6203. A bill to redesignate the Longfellow National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Ms. CHU:

H.R. 6204. A bill to require States receiving funds under the Elementary and Secondary Education Act of 1965 to establish policies with respect to the auditing of charter schools; to the Committee on Education and Labor.

By Mr. CROWLEY (for himself, Mr. SERRANO, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mr. OWENS, Mr. RANGEL, Ms. SLAUGHTER, Mr. TONKO, Ms. VELÁZQUEZ, and Mr. WEINER):

H.R. 6205. A bill to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''; to the Committee on Oversight and Government Reform.

By Mr. HEINRICH (for himself and Mrs. LUMMIS):

H.R. 6206. A bill to reinstate funds to the Federal Land Disposal Account; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN (for herself and Mr. PETERSON):

H.R. 6207. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve recovery and hazard mitigation activities with respect to major disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LEE of California:

H.R. 6208. A bill to expand and enhance existing adult day programs for people with multiple sclerosis or other similar diseases, to support and improve access to respite services for family caregivers who are taking care of such people, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN:

H.R. 6209. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Natural Resources.

By Mr. LUJÁN (for himself and Mrs. KIRKPATRICK of Arizona):

H.R. 6210. A bill to amend the Act of August 9, 1955, to facilitate business and agricultural leasing of Navajo Nation lands; to the Committee on Natural Resources.

By Ms. MARKEY of Colorado:

H.R. 6211. A bill to direct the Secretary of Veterans Affairs to establish a pilot program to evaluate the effectiveness of treating veterans with spinal, back, and musculoskeletal injuries and pain using non-invasive techniques; to the Committee on Veterans' Affairs.

By Ms. MATSUI (for herself, Mr. INSLEE, Mrs. CAPPS, Mr. BLUMENAUER, Mr. KISSELL, Mr. RUSH, Mr. MICHAUD, Mr. CONNOLLY of Virginia, Mrs. DAHLKEMPER, Ms. BEAN, Mr. FOSTER, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. CLAY, Mr. GEORGE MILLER of California, Mr. TONKO, and Ms. PINGREE of Maine):

H.R. 6212. A bill to direct the Administrator of the Small Business Administration to establish a loan guarantee program to assist small business concerns that manufacture clean energy technologies in the United States, and for other purposes; to the Committee on Small Business.

By Mr. MICHAUD:

H.R. 6213. A bill to address the reporting requirement burden on small businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York:

H.R. 6214. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide incentives to States and units of local government under the Edward Byrne Memorial Justice Assistance Grant Program for providing certain services to victims of sexual assault or rape, and for other purposes; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER:

H.R. 6215. A bill to authorize the Secretary of Commerce to establish a program to develop a coordinated and comprehensive Federal coastal mapping effort for the Nation's coastal zone to include all coastal State and territorial waters of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. SHERMAN (for himself and Mr. ENGEL):

H.R. 6216. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational programs or activities; to the Committee on the Judiciary.

By Mr. WALZ:

H.R. 6217. A bill to amend the Water Resources Development Act of 2000 with respect to levee certifications, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GINGREY of Georgia (for himself and Mr. KLINE of Minnesota):

H.J. Res. 97. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures; to the Committee on Transportation and Infrastructure.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. ROTHMAN of New Jersey, Mr. HEINRICH, Mr. SIRES, Mr. TOWNS, Mr. HINOJOSA, Ms. BORDALLO, Mr. PIERLUISI, Mr. GRIJALVA, Mr. DONNELLY of Indiana, Mr. PASCRELL, Mr. FILNER, Mr. SCHIFF, Mr. SABLAN, Mr. GARAMENDI, Mr. CAPUANO, Ms. ROYBAL-ALLARD, and Mr. POLIS):

H. Res. 1651. A resolution honoring Latinos for their continual service and sacrifice as members of the United States Armed Forces; to the Committee on Armed Services.

By Mrs. DAVIS of California (for herself, Mr. PLATTS, Mr. GRIJALVA, and Mr. SIRES):

H. Res. 1652. A resolution expressing support for designation of the month of October 2010 as National Principals Month; to the Committee on Education and Labor.

By Mr. LEVIN:

H. Res. 1653. A resolution returning several measures to the Senate; considered and agreed to.

By Mr. HOLT:

H. Res. 1654. A resolution expressing support for designation of the week of October 24, 2010, as ''Undergraduate Research Week''; to the Committee on Education and Labor.

By Mr. HOLT (for himself, Ms. MCCOLLUM, and Mr. BLUMENAUER):

H. Res. 1655. A resolution expressing support for designation of October as ''National Farm to School Month''; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. BACA, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLAY, Ms. FUDGE, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Ms. NORTON, Mr. RANGEL, and Mr. HINOJOSA):

H. Res. 1656. A resolution raising awareness of hypertension and helping to reverse its prevalence in the United States through education, community programs, culturally competent strategies, research, and efforts to reduce the excess salt content in foods; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself, Mr. HONDA, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. DICKS, Mr. INSLEE, Mr. HINCHEY, Ms. TITUS, Mr. WU, Ms. HIRONO, Ms. WOOLSEY, Ms. CHU, Ms. MATSUI, Ms. SPEIER, and Ms. TSONGAS):

H. Res. 1657. A resolution congratulating Ichiro Suzuki, outfielder for the Seattle Mariners, for becoming the first player in the history of Major League Baseball with at least 200 base hits in 10 consecutive seasons; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia:

H. Res. 1658. A resolution expressing condolences to the families and friends of the 72 people who died in Mexico while migrating to the United States in search of better lives, and condemning the criminal network responsible for their massacre; to the Committee on Foreign Affairs.

By Mr. LARSON of Connecticut (for himself and Mr. KIRK):

H. Res. 1659. A resolution designating Robert V. Remini as Historian Emeritus of the United States House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. LARSON of Connecticut and Mr. CROWLEY.

H.R. 240: Mr. SULLIVAN.

H.R. 272: Mr. PAYNE.

H.R. 305: Mr. SMITH of New Jersey, Mr. BARTLETT, Mr. INGLIS, Mr. COFFMAN of Colorado, Mr. BILBRAY, Mr. GALLEGLY, Mr. GERLACH, and Mr. EHLERS.
H.R. 442: Mr. SMITH of New Jersey and Mr. DINGELL.
H.R. 855: Mr. REHBERG.
H.R. 963: Mr. WEINER.
H.R. 1024: Mr. GARAMENDI and Mr. ANDREWS.
H.R. 1074: Mr. DINGELL.
H.R. 1079: Mr. CALVERT, Mr. ALTMIRE, and Mr. FALEOMAVAEGA.
H.R. 1240: Ms. ZOE LOFGREN of California.
H.R. 1362: Mr. DENT.
H.R. 1426: Mr. KLINE of Minnesota.
H.R. 1443: Mr. LATOURETTE.
H.R. 1589: Mr. TOWNS.
H.R. 1616: Ms. JACKSON LEE of Texas, Ms. EDWARDS of Maryland, and Ms. TSONGAS.
H.R. 1625: Mr. RYAN of Ohio and Mr. HASTINGS of Florida.
H.R. 1670: Mr. CRITZ.
H.R. 1691: Mr. WU.
H.R. 1806: Mr. DEUTCH.
H.R. 1826: Mr. RYAN of Ohio.
H.R. 1995: Mr. ROTHMAN of New Jersey.
H.R. 2024: Mr. CARNEY.
H.R. 2030: Mr. COSTELLO, Mr. MELANCON, and Mr. MILLER of North Carolina.
H.R. 2057: Mr. LARSON of Connecticut and Mr. CONNOLLY of Virginia.
H.R. 2149: Mr. MURPHY of New York.
H.R. 2160: Mr. COHEN and Mr. PRICE of North Carolina.
H.R. 2177: Mr. WEINER and Mr. FRANK of Massachusetts.
H.R. 2262: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. TOWNS.
H.R. 2296: Mr. FOSTER.
H.R. 2365: Mr. MURPHY of Connecticut.
H.R. 2378: Mr. SALAZAR and Mr. RUSH.
H.R. 2381: Mr. JACKSON of Illinois.
H.R. 2417: Mr. PETERS.
H.R. 2597: Mr. POLIS.
H.R. 2598: Mr. GARAMENDI.
H.R. 2625: Ms. SLAUGHTER, Mr. HOYER, Mr. MURPHY of Connecticut, Mr. ENGEL, and Ms. ROYBAL-ALLARD.
H.R. 2672: Mr. WALZ.
H.R. 2850: Mr. MAFFEI.
H.R. 2855: Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. JACKSON of Illinois, and Mr. MORAN of Virginia.
H.R. 2866: Ms. KILROY.
H.R. 2906: Mr. WITTMAN and Mr. ADERHOLT.
H.R. 2943: Mr. BLUMENAUER.
H.R. 3108: Mr. MORAN of Kansas.
H.R. 3151: Mr. HOLDEN.
H.R. 3243: Ms. NORTON.
H.R. 3262: Mr. CHAFFETZ.
H.R. 3271: Mr. TIERNEY.
H.R. 3286: Mrs. CAPPS, Mr. LOEBSACK, and Ms. RICHARDSON.
H.R. 3401: Mr. HINCHEY.
H.R. 3586: Mr. GONZALEZ and Mr. GRAVES of Missouri.
H.R. 3668: Mr. POSEY and Mr. CRITZ.
H.R. 3718: Mr. KENNEDY.
H.R. 3742: Mr. MCGOVERN.
H.R. 3765: Mr. GARRETT of New Jersey and Mr. GRAVES of Georgia.
H.R. 3790: Mr. PITTS.
H.R. 3810: Mr. FRANK of Massachusetts.
H.R. 3936: Mr. MCMAHON and Mr. BISHOP of Georgia.
H.R. 3995: Mr. GRAYSON.
H.R. 4054: Mr. MURPHY of Connecticut.
H.R. 4092: Mr. FILNER.
H.R. 4114: Mr. MORAN of Virginia.
H.R. 4121: Ms. NORTON, Mr. PETERS, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Mr. CARNEY, Mr. HOLT, Mr. KENNEDY, Mr. MEEK of Florida, Mr. HONDA, Ms. KILROY, Mr. GERLACH, Mr. LIPINSKI, Mr. UPTON, Mr. ROE of Tennessee, Mr. RAHALL, Mr. CLAY, Mr. THOMPSON of Pennsylvania, Mr. SERRANO, and Mr. KIND.
H.R. 4129: Mr. DAVIS of Illinois.
H.R. 4202: Mr. HEINRICH.
H.R. 4339: Ms. ROYBAL-ALLARD and Mr. FARR.
H.R. 4353: Ms. PINGREE of Maine.
H.R. 4466: Mr. MAFFEI.
H.R. 4525: Mr. COFFMAN of Colorado.
H.R. 4533: Ms. SHEA-PORTER.
H.R. 4544: Mr. DEUTCH.
H.R. 4567: Mr. WEINER.
H.R. 4597: Mr. BISHOP of Georgia and Mr. MORAN of Virginia.
H.R. 4602: Mr. LATTA.
H.R. 4689: Ms. RICHARDSON, Mr. LARSON of Connecticut, and Ms. KILROY.
H.R. 4722: Ms. KOSMAS, Mr. CLAY, Mr. NEAL, and Ms. SCHAKOWSKY.
H.R. 4751: Mr. PASCRELL.
H.R. 4753: Mr. CRITZ.
H.R. 4756: Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, and Mr. CLEAVER.
H.R. 4769: Mr. WELCH.
H.R. 4770: Mr. WELCH.
H.R. 4808: Mr. VISCLOSKY, Mr. VAN HOLLEN, Mrs. CHRISTENSEN, Mr. ENGEL, Mr. ISRAEL, Mr. DEFAZIO, Ms. NORTON, and Mrs. LOWEY.
H.R. 4844: Mr. MARSHALL.
H.R. 4890: Ms. MCCOLLUM.
H.R. 4891: Ms. MCCOLLUM.
H.R. 4914: Mr. RYAN of Ohio.
H.R. 4952: Mrs. MYRICK.
H.R. 5034: Mr. ALEXANDER, Mr. LOEBSACK, Mr. EDWARDS of Texas, and Mr. JOHNSON of Illinois.
H.R. 5040: Mr. HILL.
H.R. 5058: Mr. GARRETT of New Jersey and Mr. ROONEY.
H.R. 5081: Ms. TITUS.
H.R. 5120: Mr. SCOTT of Virginia.
H.R. 5141: Mr. HASTINGS of Washington, Mr. INGLIS, and Mr. KING of New York.
H.R. 5206: Ms. DELAURO.
H.R. 5354: Mr. STEARNS.
H.R. 5393: Mr. CAO.
H.R. 5400: Mr. TONKO, Mr. FALEOMAVAEGA, Mr. SCOTT of Virginia, Mr. HALL of New York, Mr. PETERS, Mr. CARNEY, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. PETERSON, Mr. HOLT, Mr. DONNELLY of Indiana, Mr. GERLACH, Mr. LIPINSKI, Mr. HONDA, Mr. ROE of Tennessee, Mr. RAHALL, Mr. SERRANO, and Mr. HINCHEY.
H.R. 5433: Mr. BRADY of Texas.
H.R. 5434: Mr. CAPUANO, Ms. PINGREE of Maine, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. DOGGETT, Ms. MARKEY of Colorado, Ms. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. BUCHANAN, Mr. ENGEL, Mr. CROWLEY, Mr. MURPHY of Connecticut, Mr. JACKSON of Illinois, Mr. LATOURETTE, Mr. SERRANO, and Mr. LYNCH.
H.R. 5476: Mr. NADLER of New York.
H.R. 5485: Mr. ARCURI.
H.R. 5510: Mr. FILNER.
H.R. 5549: Mr. RODRIGUEZ, Mr. HOLT, Mr. KENNEDY, Mr. MEEK of Florida, Mr. HONDA, Mr. GERLACH, Ms. KILROY, Mr. UPTON, Mr. RAHALL, and Mr. CLAY.
H.R. 5597: Mr. SCHIFF.
H.R. 5671: Mr. FILNER.
H.R. 5732: Mr. CALVERT and Mr. MURPHY of Connecticut.
H.R. 5789: Mr. AKIN and Mrs. EMERSON.
H.R. 5791: Ms. BALDWIN.
H.R. 5793: Ms. BALDWIN.
H.R. 5803: Mr. HINCHEY, Mr. BOUCHER, and Mr. COURTNEY.
H.R. 5805: Mr. OLVER and Mr. BLUMENAUER.
H.R. 5820: Mr. JACKSON of Illinois.
H.R. 5821: Ms. CASTOR of Florida, Mr. MORAN of Virginia, and Mr. BISHOP of Georgia.
H.R. 5824: Ms. SCHAKOWSKY.
H.R. 5829: Mr. ANDREWS, Mr. BARTLETT, and Mr. MILLER of Florida.
H.R. 5902: Ms. RICHARDSON, Mr. SERRANO, Mr. BOSWELL, and Mr. TONKO.
H.R. 5928: Ms. NORTON, Mr. HALL of New York, Mr. SCOTT of Virginia, Mr. PETERS, Mr. GUTIERREZ, Mr. CARNEY, Mr. HOLT, Mr. MEEK of Florida, Ms. KILROY, Mr. GERLACH, Mr. LIPINSKI, Mr. HONDA, Mr. UPTON, Mr. ROE of Tennessee, Mr. RAHALL, and Mr. SERRANO.
H.R. 5938: Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. FILNER, and Mr. STARK.
H.R. 5940: Mr. INGLIS, Mr. LIPINSKI, and Mr. DUNCAN.
H.R. 5942: Ms. MCCOLLUM.
H.R. 5944: Mr. CARNEY, Ms. SUTTON, Mr. SCHAUER, and Mr. HARE.
H.R. 5950: Mr. MURPHY of Connecticut, Mr. HINCHEY, Ms. CLARKE, Ms. DELAURO, and Mr. LATHAM.
H.R. 5958: Mr. CLAY.
H.R. 5967: Mr. MITCHELL and Mr. CRITZ.
H.R. 5976: Mrs. NAPOLITANO.
H.R. 5987: Mr. MURPHY of Connecticut, Mr. FRANK of Massachusetts, Mr. KANJORSKI, and Mr. TONKO.
H.R. 6009: Mr. GINGREY of Georgia.
H.R. 6012: Mr. ROTHMAN of New Jersey and Mr. STEARNS.
H.R. 6021: Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Mr. BACA, and Mr. FRANK of Massachusetts.
H.R. 6026: Mr. QUIGLEY and Mr. KUCINICH.
H.R. 6028: Mr. CHAFFETZ, Mr. CARDOZA, Mr. KAGEN, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. THOMPSON of Pennsylvania, Mr. HUNTER, Mr. KING of Iowa, Mr. BERRY, Mr. SPACE, and Mr. BOSWELL.
H.R. 6043: Mr. PETERS.
H.R. 6045: Mr. SERRANO.
H.R. 6046: Mr. LATTA.
H.R. 6072: Mr. BRADY of Pennsylvania, Mr. KING of New York, and Mr. CRITZ.
H.R. 6085: Ms. ROS-LEHTINEN.
H.R. 6087: Mr. CARDOZA, Mr. COBLE, Mr. JONES, and Mr. KLINE of Minnesota.
H.R. 6095: Mr. PETERS.
H.R. 6099: Mr. DAVIS of Illinois.
H.R. 6112: Mr. CAO and Mr. BOUSTANY.
H.R. 6113: Mrs. LUMMIS.
H.R. 6116: Mr. GONZALEZ.
H.R. 6117: Mr. WELCH.
H.R. 6133: Mr. CALVERT.
H.R. 6146: Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. HOLT, and Mr. MCGOVERN.
H.R. 6150: Mr. GARAMENDI and Mr. SCHIFF.
H.R. 6170: Mr. LINDER and Mr. KLINE of Minnesota.
H.R. 6171: Mr. KLINE of Minnesota and Mr. LINDER.
H.R. 6172: Mr. SESTAK.
H.R. 6184: Mr. OLSON and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6189: Mr. LUJÁN.
H.J. Res. 74: Mr. MORAN of Virginia.
H.J. Res. 96: Mr. LAMBORN, Mr. NEUGEBAUER, Mr. PITTS, Mr. WAMP, Mr. MCHENRY, Mr. WESTMORELAND, Mr. SCALISE, Mr. SCHOCK, Mr. GRAVES of Georgia, Mr. CHAFFETZ, Mr. MARCHANT, Mr. ROONEY, Mr. ROE of Tennessee, Mr. MCCAUL, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. BLUNT, Mrs. MILLER of Michigan, Mr. AUSTRIA, Mrs. MCMORRIS RODGERS, Mr. WILSON of South Carolina, Mr. TIAHRT, and Mr. BISHOP of Utah.
H. Con. Res. 261: Mr. CALVERT.
H. Con. Res. 267: Mr. KIRK.
H. Con. Res. 291: Mr. INGLIS.
H. Con. Res. 303: Mr. KINGSTON and Mr. CALVERT.
H. Con. Res. 310: Mr. OLSON and Ms. FOXX.
H. Con. Res. 316: Mrs. MYRICK, Ms. KAPTUR, Ms. HERSETH SANDLIN, Mr. PALLONE, and Mr. SHULER.
H. Con. Res. 318: Mr. STARK, Ms. SCHAKOWSKY, and Mr. RUSH.
H. Con. Res. 319: Mrs. MCMORRIS RODGERS, Mr. LOBIONDO, Mr. FRANKS of Arizona, Ms. GIFFORDS, Mr. BISHOP of Utah, Mr. COURTNEY, Mr. PLATTS, Mr. BARTLETT, Mr. MCKEON, Mr. HUNTER, Mr. SESSIONS, Mr.

BARTON of Texas, Mr. MARCHANT, Mr. SHUSTER, Mrs. MYRICK, Mr. MILLER of Florida, Mr. MARSHALL, Mr. ROGERS of Michigan, Mr. BOOZMAN, and Mr. GARRETT of New Jersey.

H. Res. 111: Mr. PERRIELLO.

H. Res. 1207: Mr. GRAVES of Missouri.

H. Res. 1226: Mr. PETERS, Mr. CROWLEY, Mr. DENT, Mr. PALLONE, and Mr. LUETKEMEYER.

H. Res. 1326: Mr. SCHAUER.

H. Res. 1420: Mr. TANNER.

H. Res. 1449: Mrs. CHRISTENSEN, Mr. KING of New York, Mr. HINOJOSA, Mr. JONES, and Mr. BLUMENAUER.

H. Res. 1567: Ms. KAPTUR.

H. Res. 1576: Mr. MURPHY of New York.

H. Res. 1578: Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. JACKSON of Illinois, Mr. MEEK of Florida, and Mr. DAVIS of Tennessee.

H. Res. 1582: Mr. JACKSON of Illinois.

H. Res. 1585: Mr. WALZ, Mr. RODRIGUEZ, Mr. PERLMUTTER, Mr. WU, Mr. OWENS, Mr. DEFAZIO, Mr. FARR, Mrs. CAPPS, Mr. WILSON of Ohio, Ms. HIRONO, Ms. SUTTON, Ms. EDWARDS of Maryland, Mr. CARDOZA, Mr. DEUTCH, Mr. COSTA, Mr. SCHAUER, Mr. HALL of New York, Mr. CUMMINGS, Mr. MILLER of Florida, Mr. CRITZ, Mr. ADLER of New Jersey, Mr. RUPPERSBERGER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. JOHNSON of Georgia, Mr. SPRATT, Mr. ROONEY, Mr. FILNER, Mr. ANDREWS, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. LIPINSKI, Mr. CARTER, Mr. BRIGHT, Ms. JACKSON LEE of Texas, Mr. ORTIZ, Mr. TAYLOR, Ms. PINGREE of Maine, Mr. MURPHY of New York, Mr. JONES, and Mr. BISHOP of Georgia.

H. Res. 1588: Ms. DELAURO, Mr. MARSHALL, Mr. RANGEL, and Mr. WALZ.

H. Res. 1593: Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. FILNER, and Mr. STARK.

H. Res. 1594: Mr. CARTER, Mr. TIAHRT, Mr. LINDER, Mr. WESTMORELAND, Mr. PRICE of Georgia, and Mr. LAMBORN.

H. Res. 1603: Mr. ALTMIRE, Mr. BACA, Mr. BOYD, Mr. CARDOZA, Mr. COSTA, Mrs. DAHLKEMPER, Mr. DAVIS of Tennessee, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. KRATOVIL, Mr. MARSHALL, Mr. MITCHELL, Mr. POMEROY, Mr. SALAZAR, Mr. SCHIFF, Mr. SCHRADER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. PERRIELLO, Mr. MAFFEI, Mr. MCNERNEY, Mr. MILLER of Florida, Mr. COSTELLO, Mr. ETHERIDGE, Mr. CARNAHAN, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. NYE, Mr. DONNELLY of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PALLONE, Mr. GORDON of Tennessee, Mr. RUSH, Ms. ESHOO, Mr. STUPAK, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. SNYDER, Mr. DOYLE, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. INSLEE, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. MATSUI, Mrs. CHRISTENSEN, Ms. CASTOR of Florida, Mr. SARBANES, Mr. MURPHY of Connecticut, Mr. SPACE, Ms. SUTTON, Mr. SHIMKUS, Mr. BURGESS, and Mr. WELCH.

H. Res. 1605: Mr. LAMBORN and Ms. SUTTON.

H. Res. 1615: Mr. LAMBORN, Mr. GALLEGLY, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. OLSON, Mr. KILDEE, Mr. FLEMING, and Mr. SMITH of Texas.

H. Res. 1617: Ms. GINNY BROWN-WAITE of Florida, Mr. FILNER, Ms. HARMAN, and Mr. KLINE of Minnesota.

H. Res. 1621: Mr. RODRIGUEZ, Mr. TIBERI, and Mr. ROTHMAN of New Jersey.

H. Res. 1631: Mr. ROTHMAN of New Jersey, Mr. OLVER, Mr. ROYCE, Mr. MANZULLO, Mr. PAYNE, Mr. KENNEDY, Ms. WATSON, Mr. SIRES, and Mr. PALLONE.

H. Res. 1636: Mrs. CAPPS, Ms. HARMAN, and Mr. GARY G. MILLER of California.

H. Res. 1645: Mr. GRIJALVA and Mr. DOGGETT.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, SEPTEMBER 23, 2010 No. 129

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Reverend Dr. Joel Hunter, senior pastor of Northland Church, Longwood, FL.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we give You thanks for our democracy that gives each citizen a voice; for our freedom of religion that gives each citizen a choice; and for our goal of e pluribus unum that gives each citizen a responsibility of cooperation.

We ask that You would bridle our tongues toward constructive speech, that You would help all herein to live up to the stature and privilege of leadership, and that You would grant all herein wisdom and courage beyond their natural abilities and their party's limitations.

Bless each of our Senators for their efforts on behalf of us all, and make them servants of the people of the United States of America and of Your intentions for this great country.

In Your Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 3827

Mr. REID. Madam President, it is my understanding that S. 3827 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3827) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business until 10:30 this morning, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half.

At 10:30 a.m., the Senate will consider the motion to proceed to S.J. Res. 30, which is a joint resolution of disapproval regarding the National Mediation Board. Under the time agreement previously reached, there is 2 hours of debate equally divided, so the vote on the motion to proceed to the joint resolution is expected to occur around 12:30 p.m. today.

Upon disposition of the joint resolution of disapproval, the Senate will turn to the consideration of the motion to proceed to S. 3628, the DISCLOSE Act. A cloture vote on the motion to proceed will occur at 2:15 p.m.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE DISCLOSE ACT

Mr. MCCONNELL. Madam President, we are now in day 2 of debate regarding the DISCLOSE Act—2 more days Senate Democrats have chosen to ignore the jobs of the American people in an effort to save their own job.

Americans are speaking out, but Democrats in Congress still aren't listening. At a time when Americans are clamoring for Democrats in Congress to do something about jobs and the economy, Democrats are not only turning a deaf ear, they are spending 2 full days here working to silence the voices of even more people with a bill that picks and chooses who has a right to political speech. This is precisely why Americans are speaking out loudly—loudly—about the excesses of this administration and this Congress. This is why Senate Republicans strongly support the efforts Republicans in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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House will unveil later this morning in Virginia.

The proposals House Republicans will put forward today are clear proof that, unlike Democrats in Washington, Republicans have been listening intently to Americans over the past year and a half. Americans have been telling us they want us to focus on jobs first, fight wasteful Washington spending, repeal and replace the health spending bill, and shrink an exploding deficit. They have been telling us they want a smaller, less costly, and more accountable government.

The House Republican plan is a clear and forceful response to these concerns, and, working together, House and Senate Republicans will continue to fight for the principles upon which it is based. Together, we will focus our efforts on making America more competitive, reducing the size and cost of government, keeping our Nation strong and secure, and reining in the massive health care costs and mandates imposed by the Democrats' health spending bill.

This is an appropriate statement to make on the sixth-month anniversary of the passage of the Democratic health spending bill, which—both in its contents and in the process used to enact it—so clearly undermined the principles House Republicans will discuss this morning.

Americans never wanted this massive government-driven intrusion into their health care, and virtually every day it seems we see that the concerns Americans had about this bill are being vindicated. Throughout the day, administration officials will tell people the things it wants Americans to believe about this bill. Based on the promises the administration made to pass it, Americans should be deeply skeptical.

They said: ''If you like your plan, you will be able to keep it.'' Now we know that wasn't true. As the Associated Press recently put it: ''This is a promise that is beyond the President's power to keep.''

They said it wouldn't raise taxes—not by one penny. Yet even the administration's own lawyers now acknowledge that it does. One report, from the Joint Committee on Taxation, says that 40 million individuals and families will get hit with a tax hike as a result of this health care bill.

They said it would slow the growth of health care costs and that it was essential for that reason. Yet now the government itself says costs will go up as a result of the bill.

What about premiums? Well, the administration now says it knew all along that insurance premiums would go up as a result of this bill. Less than a year after the President said Democrats had agreed to ''reforms'' that would enable families to save on their premiums, the Secretary of Health and Human Services now says rates will increase substantially as a result of the bill—exactly the opposite of what was said during the debate.

And in what may turn out to be the most thoroughly discredited pledge about this bill, the President and other Democratic leaders assured their colleagues that Americans would come to like the health spending bill once it passed—they would come to like it. As for that claim, well, I think Politico put it best this morning:

> Rarely have so many strategists been so wrong about something so big.

Rarely—rarely—have so many strategists been so wrong about something so big.

So Democrats were eager to listen to the strategists and the administration officials who told them what this bill would do and how it would be received, when what they should have been doing is listening to the American people, who never liked this bill—never liked it—and who knew it wouldn't deliver on the promises Democrats made. So this is no anniversary Democrats should be celebrating.

Americans have had it. The American people have had it. They have had it with Democrats focusing on their own pet issues at the exclusion of America's top priorities, and they are tired of being told that if only the Democrats pass their agenda these priorities will somehow be met. Well, the results are in. The results are in. The Democratic agenda has been a failure for the economy and for jobs. It is time to move on. It is time to start listening instead of dictating. Americans are speaking out. It is time Democrats in Congress start listening.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. McCONNELL. Madam President, I withhold the suggestion.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

THE GUEST CHAPLAIN

Mr. NELSON of Florida. Madam President, in the midst of all the strife and partisanship and ideological rigidity that makes it so difficult these days for us to bring about consensus in the world's most deliberative body, there is the occasion at the first of each of these meetings in the Senate that we do come together—when the chaplain mounts the rostrum, prays for the Senate and for the Nation, and then we all join together in the Pledge.

I think it is worthy noting the way that the great master of the Senate, Senator Robert Byrd, taught all of us freshmen 10 years ago to mount the rostrum and to call the Senate together. As the Presiding Officer calls the Senate to order, he or she then announces the chaplain for the day and descends from the rostrum as the chaplain comes to the rostrum to offer the prayer. It is a recognition of the Deity, it is an expression of humility, it is a little symbolic act, but it is important.

I think it is important to note that in July, when the entire Senate filed through that center door under that arch inscribed with ''In God We Trust,'' we all stood silently at our seats as our Chaplain, Admiral Black, gave a prayer over the flag-draped coffin of our departed colleague, Senator Byrd. Each of us stood silently in reverence and recognition not only of a fallen colleague but in recognition of a supreme Deity. And so it is that that tradition continues. And it continues with my friend, the Reverend Dr. Joe Hunter from Florida, who has shared with us his message this morning in the opening of the Senate with a prayer.

The prayer started in the early days of the Continental Congress. It was in 1774, in that Congress, that a chaplain was called to open those sessions. Under the new government that came about as a result of the Articles of Confederation—which had not worked to keep a new spirited nation together because it didn't have a central government—they met together in that steamy room in Philadelphia to hammer out the Constitution, and the Constitutional Convention prayer was offered during those deliberations.

As a matter of fact, it was Benjamin Franklin who made the comment—when the delegates wondered whether this Nation could stand, a Nation that was seeking freedom, a Nation that was seeking democracy—Benjamin Franklin said something to the effect that if the Supreme Being knows even when a sparrow falls, will that Supreme Being not be involved in the affairs of a young and struggling nation?

In the beginning of that Nation under a constitutional government, in lower Manhattan, the chaplain of the nearby church was proclaimed the Chaplain of the Senate. When the government moved to Philadelphia, the second Chaplain of the Senate was appointed. When the government moved to this present location on the banks of the Potomac, the third Chaplain of the Senate was appointed. In that long succession of Chaplains, we are so pleased to have as our Chaplain now, after so many distinguished ones, Admiral Barry Black, whom we all love and appreciate.

So today continues a tradition with great selectivity of certain ministers being invited to come and pray for the Nation. Joel Hunter is the pastor of one of those mega-churches. It is a big church north of Orlando. But it is a church that has about five churches all spread out, with an incredible outreach to the community. Joel Hunter is a man who has reached out and ministered to Presidents, and Joel Hunter is a man who has done so much good for our community and our State and our country. He has suffered tragedy with the loss of a granddaughter just recently. Yet out of that suffering, all the more his compassion comes forth.

Indeed, we are very privileged to have Dr. Joel Hunter as our Chaplain for the day.

I yield the floor.

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 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first half and the majority controlling the second half.

The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, on the 6-month anniversary of the signing into law of what has commonly across the country come to be called ObamaCare. I come as a physician, someone who has practiced medicine in Wyoming since the early 1980s, taking care of thousands and thousands of patients across the cowboy State—families. I bring that experience to the Senate floor. I have a doctor's second opinion, now that here we are, 6 months out. It is akin to looking at an x ray after something has happened, going 6 months later and taking a look at the x ray to see what has occurred to the patient.

Six months ago when Obama signed his new health care bill into law, he said: ''All of the overheated rhetoric over reform will finally confront the reality of reform.''

Here we are 6 months later. The American people have been confronted with the reality of the President's reform, and they do not like it. The American people who listened to Speaker PELOSI say: First, we must pass the bill before you get to find out what is in it, now have learned more and more what is in it, and they don't like it. The American people watched as this body came together, cobbled together legislation with things such as the ''Cornhusker kickback'' and special treats for different Senators so we would agree to vote for the bill, and the American people don't like it.

As a matter of fact, there was a Rasmussen poll that just came out Monday, and as of Monday this week, 6 months after the bill was signed into law, 61 percent of the American people want Washington to repeal this new health care law—61 percent want it repealed. Once again, instead of listening to the American people, the President continues to try to sell his law. He tried it again yesterday in a back yard. He continues to make promises he knows he cannot keep and that have not been kept with this new law.

Now that we are 6 months into the new law, I wish to walk you through some of the President's promises and the reality that the people of this great country are living with as they look at what has been crammed down their throats. Promise No. 1 by the President: If you like your current health care coverage, you can keep it. According to a new Obama administration regulation—this is the President's own administration, writing the regulation—a majority of Americans who get their insurance through work will not be able to keep the current health care plan they have. Even the White House admits it. The President keeps saying it, but the White House admits it is not true.

Promise No. 2: The law will bring the cost of medical care down and reduce the deficit. The Congressional Budget Office disagrees, saying it erases savings. The Actuary at the Center for Medicare and Medicaid Services says the new law will increase health care spending.

Let's look at promise No. 3. This says the law will strengthen Medicare. It actually cuts Medicare by $½ trillion—$500 billion cut from Medicare. The seniors of this country are furious.

To make matters worse, this money is not being used to save Medicare or to strengthen Medicare. The money is being used to start a whole new government program for other people. There is a rebellion among the seniors of this country.

Let's look at another promise the President made. He said: The law will create jobs. We have 9.6 percent unemployment in this country. We continue to learn about companies that want to employ people, that want to create jobs, but instead those companies are cutting their payrolls in order to deal with the massive new tax increases included in the law. If you look at the incentives that are given to small companies, in terms of helping them with health care costs, the incentives are the ones that say: If you want to get something, you want to cut the number of employees you have and cut the salaries of the people you are still going to employ. That does not create jobs. This law does not create jobs.

Then, of course, President Obama also promised that the Federal Government would not ration care. Then I would say why did the President make a recess appointment of a man to run the Centers for Medicare and Medicaid who has repeatedly acknowledged and said the government must ration care? He has a long history, but he did not come to the Senate to explain a number of statements he has made about redistributing wealth, rationing care. He does not need to explain it to the Senate. He needs to explain it to the people of this country. That is Donald Berwick, a physician from Massachusetts, still refusing to testify before Congress and the American people. He has been invited again to come today. There will be people waiting in a room to which he has been invited. We will see if he does arrive, but I doubt it.

You wonder why Americans are sick and tired of Washington. It is no surprise; yesterday, when speaking at the event in Virginia, the President focused on provisions of the new law that go into effect today. As Paul Harvey used to say: ''Now the rest of the story.'' Some of the changes the President touted yesterday actually don't start right away. Many Americans will not see how these changes will impact them until after January 1 of 2011. But yesterday, USA Today, the newspaper, actually ran a big story—a full-page story almost—on the new provisions. The thing that was so interesting about the story is, the story outlined the basics of each provision—a little thing there. Then underneath each one of the basics it had several paragraphs of things they called be aware: The basics are this, but be aware that this may happen to you, and this may happen to you and this may not apply or this may apply.

All those things are to alert the American people that there is a lot more to it when you look at this over 2,000-page bill and the so many agencies that are being brought forth to write rules and regulations—so many things the American people will still learn about this bill, and as they learn those things they will like it even less.

The story outlined the basics and then the ''be awares'' of each provision. I think it is very important for the Americans who are listening and who are focused on this to be aware of these ''be awares,'' that they are so much longer than the provisions. What I would like to do is walk through some of them with you.

The law does allow young adults to stay on and be added to their parents' health insurance plan until age 26. That is what we hear. Make sure to read the fine print.

One of the things the Obama administration published was the so-called grandfather regulation—not when the bill was signed into law but in June. This Washington White House regulation defines the rules that employers must follow if they want the health coverage they currently offer their employees to be exempt from the new law's mandates. It says be aware that children are not eligible to be added to their parents' grandfathered employer group plan if the child can access coverage in other ways, if they have a job—another very complicated situation of rules and regulations.

Second, the law now requires insurers to cover more preventive services—immunizations, mammograms, colonoscopies. It is important for people to take responsibility for their health and things such as screening mammograms and immunizations; those help people in the long run. It says insurers cannot charge copayments or deductibles for these added benefits. Then let's get to the ''be aware'' section. Be aware these cost savings only apply to new health insurance plans, not the so-called grandfathered plans, so you have them describing the grandfathered plans and who can be a part of it and who cannot.

There is more to this than meets the eye. Also, be aware—don't be surprised if you see your insurance premiums go up.

The President wants to sell Americans on the good things in the law, what he considers the good things in the law, but he has failed to mention that mandating insurers to cover these extra benefits is going to cause premiums to go up.

Another: Insurance companies can no longer cap the amount they will pay over a person's lifetime. Americans need to be aware, however, that insurance plans that had lower premium costs because—they say, how do you get premiums down? They did it by limiting lifetime amounts. It says those people now may be forced to pay higher insurance premiums.

Another: The law designed new rules preventing insurers from denying coverage to any child under the age of 19 who has a preexisting medical condition. So what did the Washington Post say about that? What did the Los Angeles Times report? They both printed articles this Tuesday, 2 days ago, warning consumers that major health insurance companies—what are they going to do about this? They are going to plan to stop selling new child-only covered products completely. Is this going to help kids with preexisting conditions, this law? As these insurance companies plan to stop selling new child-only coverage products, that is not going to help. It is because of this law.

The health care law allows parents to wait until their child is sick before buying a policy. When only sick people buy health insurance, premiums have to go up. As the rate increases, more people drop their coverage. This certainly is going to hit lower income families hard. Some uninsured parents, while they can't afford family insurance, often decide to buy a child-only policy to ensure their kids have coverage. But according to these new reports, families all across America will have fewer health insurance options because of the new law—fewer options for families, fewer options for patients, not more.

This Congress had a historic opportunity to make patient-centered health care reforms to bring down the cost of medical care in this country. We had a historic opportunity, and this Congress missed it. The one thing the American people wanted out of health care reform was lower costs. But increased Washington mandates passed by this Senate only serve to produce fewer insurance choices, increased costs, and insert the Federal Government between patients and their doctors.

It is time that we start talking honestly about how this law—even the things on which Republicans and Democrats agree—affected patients and their families. That is why I believe this health care law needs to be repealed. It should be repealed and replaced with better ideas. And there are better ideas—better ideas that were rejected by the majority in this Senate, who refused to listen, who refused to listen to the American people who were bringing forth better ideas, changes such as allowing people to buy insurance across State lines—that is going to bring down the cost of care, and it is going to help about 12 million people who did not have insurance get insurance; offering premium breaks to folks who make healthy lifestyle changes—absolutely critical; dealing with lawsuit abuse to help eliminate some of this defensive medicine and the increased cost of that practice. We need to allow small businesses to join together, to pool together in order to offer affordable health insurance to their workers, get better deals with insurance costs. These are changes that put patients in control of their medical decisions, not the government.

People ask me, as a doctor, what I think about this, what I think about this law. I will tell you, having practiced medicine for over 25 years, we need to do something. This wasn't it. This law is bad for people. It is bad for people who are patients. It is bad for people who are providers, the nurses and the doctors who take care of the patients. It is bad for payers, the taxpayers of this country who will foot a significant amount of the bill. The people who get their insurance through work—what is the impact going to be on those jobs and those businesses? This is a bill that is bad for people.

We can and we must fix a broken health care system, but we can do it without undermining choice, which is what this health care law has done; without undermining competition, which is what this health care law has done; and without undermining innovation, which is what this health care law has done. And we need to do it without raiding Medicare to start a whole new government entitlement program. We can do it without raising taxes that kill jobs in a bad economy.

That is why, as we are here today, 6 months after the enactment of this bill becoming law, the Obamacare law, 6 months later, 61 percent of the American people want it repealed. It is now time to repeal and replace this health care legislation and replace it with something that will work for the American people because that is what this country wants, that is what this country needs, that is what this country and the people of this country have been asking for all along, but the members of the majority and the White House refused to listen.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Senator from Georgia.

CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE NATIONAL MEDIATION BOARD RELATING TO REPRESENTATION ELECTION PROCEDURES—MOTION TO PROCEED

Mr. ISAKSON. Madam President, I move to proceed to the consideration of S.J. Res. 30.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours for debate on the motion to proceed, with the time equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Georgia, Mr. ISAKSON, or their designees.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I yield myself up to 15 minutes of the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, on May 11, 2010, the National Mediation Board, the board that oversees labor relations in transportation—in the railroad and airlines industries—finalized a regulation repealing the 75-year-old majority rule. Under the majority rule, a majority of the organizing unit was required to affirmatively vote yes to unionize. The repeal of this rule means that now a minority in the bargaining unit can organize, essentially permanently, the entire organization of the unit.

Today, I am asking this body to pass S.J. Res. 30 to undo this rule change under the procedures created by the Congressional Review Act of 1996. This law allows Congress to disapprove regulatory rules issued by Federal agencies by enacting a joint resolution of disapproval. This resolution will revoke a recent regulation promulgated by the National Mediation Board eliminating the old majority rule that had been in place for 75 years under 12 Presidential administrations.

Under the old rules, a majority of the workers in the organizing unit were required to affirmatively vote yes in order to organize. Under the new rules, however, only a majority of those voting are required to vote yes to organize a union.

Let me give you an example. If an organizing unit had 10,000 employees, under the 75-year-old rule, 5,001 would have had to vote affirmatively for a union. Under the new rule, if only 4,000 turned out to vote, only 2,001 would have had to vote affirmatively to be able to unionize. In fact, in large measure, it seems to me, it is kind of ''card check lite.''

There is no sound legal or policy basis for hastily changing a rule that has been in

place and upheld repeatedly for 75 years. Throughout this time, the majority rule has furthered the primary purpose of the Railway Labor Act, which is ''to avoid any interruption to commerce or to the operation of any carrier engaged therein.''

The Supreme Court of the United States has upheld the rule not once but twice. The National Mediation Board, under both Democratic and Republican administrations, previously rejected changes to the majority rule on four separate occasions. In fact, the National Mediation Board, under former President Jimmy Carter of Georgia, concluded that only Congress could make such a decision.

Even the Obama administration's own Labor Department defended the soundness of the majority rule, writing on October 8, 2009:

For 70 years, the Board has required, when there is no representative and just one organization is seeking to be representative, a majority of the workers in the craft or class to vote for that organization.

In so doing, President Obama's own Labor Department argued that all past boards ''reasonably construed'' the Railway Labor Act.

As former National Mediation Board Chairman Elizabeth Dougherty wrote in her strong dissent of the repeal of the majority rule, making this change ''would be an unprecedented event in the history of the National Mediation Board.''

She continued:

Regardless of the composition of the board or the inhabitant of the White House, this independent agency has never been in the business of making controversial, one-sided rule changes at the behest of only labor or management.

The majority rule is not unfair to organizing efforts, as over two-thirds of the 1,850 reported elections since 1935 have resulted in a union. Moreover, an average of 72 percent of airline and railroad employees are represented by unions, while only 8 percent of private-sector workers are union represented.

One of the reasons the majority rule was approved is because recognition of a union under the Railway Labor Act is essentially permanent, and I reiterate that. The decision is essentially permanent and irrevocable. Thus, to reference my example earlier, the minority of 2,001 in an employee group of 10,000 could irrevocably unionize an organization and make it permanent.

Quoting the Obama administration's Labor Department again:

Unlike the National Labor Relations Act, the Railway Labor Act does not provide for a decertification process.

''Does not provide for a decertification process.''

Therefore, the union's certification continues until another union makes a showing of interest to represent the respective class or craft. . . . Consequently, it is of utmost importance that a certified union has the support of the workers it is certified to represent.

While existing practice allows for a cumbersome and slow ''straw man'' union disillusion process, the Railway Labor Act has no decertification process as there is under the National Labor Relations Act.

The current ''straw man'' union disillusion process is Byzantine and nearly impossible for workers to use. This is how National Mediation Board Chairman Dougherty described the process:

Employees who no longer wish to be represented by a union must select an individual to stand for election (the so-called ''straw man''), convince a majority of the eligible voters in the craft or class to sign authorization cards for that individual (while attempting to explain that this individual is not actually going to represent them), and then file an application with the Board. If the requisite showing of interest is met, an election is authorized, and the employees must either vote for the ''straw man,'' with the hope that he will later disclaim interest in representing the craft or class, or abstain from voting.

What a ridiculous process that is.

Unfortunately, the new rule allows no corollary process by which employees can choose to opt out of unionization. Thus, the Obama administration greatly lowers the bar for unionization, while continuing to ensure that it is nearly impossible to decertify a union.

In Teamsters v. BRAC, the DC Circuit Court wrote:

It is inconceivable that the right to reject collective representation vanishes entirely if the employees of a unit once choose collective representation. On its face, that is a most unlikely rule, especially taking into account the inevitability of substantial turnover of personnel within the unit.

If the Obama administration truly sought to ''more accurately measure employee choice,'' they would have provided a parallel process by which employees could vote out a union in an election conducted in the same manner as the election which resulted in certification of the union in the first place. Of course, they did not do that.

Quoting Chairman Dougherty again:

Apparently, employee choice only matters to the Majority when it relates to changing the status quo from no representation to representation and not the other way around.

The impact of this is dramatic in my State, and it has a dramatic impact on Delta Air Lines, which is headquartered in my State.

On April 14, 2008, Delta and Northwest Airlines announced a merger. Before the merger, Delta was a predominantly nonunion organization. Its pilots were unionized, but flight attendants and ground personnel were nonunion. Delta employees—many of whom reside in Georgia—were and still are some of the most dedicated employees of any company in the United States, and some of the best paid employees in the airline industry, which explains why Delta employees have voted down six unionization drives since 2000 alone.

Some of the former employees of Northwest, which was a much smaller operation than Delta, wish the new Delta to adopt their old labor agreements. Those old labor agreements at Northwest led to a long history of labor strife, lower pay, and burdensome work rules.

I say, leave that decision up to the workers. If the benefits of union representation are so great, then why the need to change the rule? This administration simply refuses to obey the will of the majority of the class and has chosen to side with the union in the passing of this rule.

As National Mediation Board Chairman Dougherty has written, the board's actions are targeted at ''40,000 employees at two major airlines—the largest group of elections in the history of the National Mediation Board. I believe it is harmful to the reputation and credibility of the [National Mediation] Board for it to take a position in favor of a change to our election rules during these elections.''

In short, we are here today for one reason and one reason only: The Obama administration has chosen to tilt the outcome of unionization elections at Delta Air Lines in favor of the transit unions.

Let me discuss the integrity of this process that took place at the Board.

Once confirmed by the Senate, revoking the majority rule was clearly job one for Members Puchala and Hoglander. Only 5 weeks after Mr. Hoglander was confirmed on July 24, 2009, the AFL–CIO requested the rule change on September 2, 2009.

Two months later, on November 2, the National Mediation Board issued the proposed rule. Not coincidentally, the transit unions immediately withdrew their applications to organize Delta, giving Hoglander and Puchala more time to stack the deck in their favor. Public remarks of union leaders from the Association of Flight Attendants have since confirmed their insider knowledge of the proposed rule.

On November 6, the Democratic members of the National Mediation Board told Chairman Dougherty they had prepared a ''final'' version of the proposed rule and she had only 1½ hours to consider their proposal.

Further, the Democratic majority told her she would not be permitted to publish a dissent in the Federal Register. Of course, publication of a dissent is not prohibited by any agency.

Finally, on May 11, 2010, the Democratic majority issued their final rule, having prevented an honest and forthright debate and comment—all of this from an administration that prides itself on transparency.

Throughout their effort to repeal the majority rule, the Democratic majority and the National Mediation Board intentionally left Chairman Dougherty out of the process. As she wrote in her stinging dissent: ''This rule was drafted without my input or participation.''

I am concerned this course of conduct by two former union leaders plainly reflects a predetermination to proceed with a course of action beneficial to transit unions at the expense of fairness and sound public policy.

Chairman Dougherty is correct when she writes:

Independent agencies have an obligation to avoid even the appearance of impropriety. The Board's failure to do so in this instance has damaged the Board's reputation irreparably.

Clearly, this administration is afraid that the Employee Free Choice Act, which it promotes, will not pass the Senate in the near future. As a result, President Obama has repeatedly assured union bosses in Washington that his administration will use the Federal regulatory agencies and Executive orders to implement their radical agenda on behalf of labor bosses in Washington.

We are just beginning to see the impact that former union boss Craig Becker is having as a member of the NLRB. Mr. Becker was rejected by this body on a bipartisan vote. The President responded by thwarting the will of the Senate and extending to Mr. Becker a recess appointment.

Since assuming his position, Mr. Becker has been anything but impartial to the unions. He has refused to recuse himself in cases involving his old employer, the SEIU, and is doggedly attempting to foster card check campaigns at businesses throughout the country.

Last week, President Obama said:

What we've done instead [of getting EFCA passed in the Senate] is try to do as much as we can administratively to make sure that it's easier for unions to operate.

The repeal of the majority rule fits into this pattern. It is yet another attempt by the Obama administration to circumvent the Congress of the United States and vilify American businesses.

As the Supreme Court wrote in Russell v. National Mediation Board in 1985:

Employees were given the right under the (Railway Labor) Act not only to vote for collective bargaining, but to reject it as well.

Unfortunately, the Obama administration's two Democratic nominees to the National Mediation Board, in repealing a 75-year-old rule without congressional approval or adequate reasoning, have recklessly tossed aside fairness and impartiality to benefit their former labor bosses in the labor movement. In so doing, they have eviscerated the right the Supreme Court articulated.

The Congressional Review Act is the appropriate legislative vehicle for Congress to undo this assault on workers' rights. I urge my colleagues to support this resolution of disapproval.

I ask unanimous consent that letters supporting this resolution from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Alliance for Worker Freedom, Americans for Limited Government, and Associated Builders and Contractors be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a document entitled ''Letters from Workers.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, September 22, 2010.

To the Members of the United States Senate:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support S.J. Res. 30, a resolution of disapproval that would repeal revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act.

The Board's revisions, which were finalized on May 11, 2010, overturn more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule the Board has jettisoned, including the fact that the Board has no rule permitting decertification of a union should the employees later decide they do not want to maintain representation.

In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized, further evidencing that the regulatory process adhered to was egregiously flawed. Policy differences aside, Congress should not permit an agency to set policy in such a manner.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support S.J. Res. 30. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF MANUFACTURERS,
September 20, 2010.

DEAR SENATOR: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—urges you to support S.J. Res. 30, a ''resolution of disapproval'' to prevent the National Mediation Board (NMB) from changing union election rules under the Railway Labor Act.

Manufacturers are increasingly concerned with efforts to implement major changes to our nation's labor laws outside of Congress through executive branch actions. The NMB's recent decision to promulgate a new rule goes contrary to the intent of the Railway Labor Act and is an attempt to circumvent the legislative process.

The Railway Labor Act requires a majority of all eligible employees to affirmatively choose to allow a labor union to collectively bargain on their behalf with their employer. However, in 2009 members of the NMB finalized a proposed rule which allows union organizers to unionize workplaces if only a simple majority of employees who participated in a union representation election chose to certify the labor union instead of requiring an affirmative vote for union representation from a majority of all employees that would be covered by the labor union seeking to be certified. This approach goes counter to decades of labor law precedent and skews the careful balance inherent in federal labor law.

The NMB failed to demonstrate sound policy justification needed to implement such a sweeping change to our labor law system. The final rule that has been issued is beyond the legal authority of the Board and is arbitrary and capricious. The NAM responded to the NMB's proposed rulemaking and submitted comments highlighting these concerns. Unfortunately the Board finalized the rule in May 2010 without addressing our concerns—and those of many other employers.

The failure of a union to receive a true majority support among the employees it seeks to represent is disruptive to employee-employer relations and puts the stability of interstate commerce in question. Labor unions covered by the RLA must be able to have the support of the majority of employees to provide effective representation in labor negotiations.

In order to promote fair and equitable labor relations that protect the rights of the majority of workers, an affirmative change—from a non-union to union workplace—should require an affirmative majority vote from those eligible to vote. Employees who choose not participate in elections are in effect choosing to maintain the status quo and should not be required to directly participate in representation elections in order to maintain their status.

The Senate should disapprove this rule by supporting S.J. Res. 30, as it would harm positive employee relations and sets a disturbing precedent for other federal labor boards like the National Labor Relations Board. More importantly, we believe the NMB is circumventing the proper role of Congress in setting our nation's labor laws on a level playing field to protect the rights of those who wish to be represented by a labor union and those who do not.

As manufacturers face tremendous amounts of uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J. Res. 30. We look forward to continue working with you on our shared goals for a strong economy, job creation and promoting fair and balanced labor laws.

Sincerely,

JOE TRAUGER,
Vice President.

ALLIANCE FOR WORKER FREEDOM,
Washington, DC, September 17, 2010.

DEAR SENATOR: On behalf of the Alliance for Worker Freedom (AWF), I urge you to support Senator Isakson's S.J. Res 30, which condemns the National Mediation Board's (NMB) decision to ease unionization standards for airline and railway employees.

Since the creation of the National Mediation Board in 1934, a majority of transport workers' votes has been required to form a union. Last year, the AFL-CIO viewed this traditional voting practice as an impediment to their unionization efforts and lobbied the NMB to amend this practice. The NMB complied with the AFL-CIO's request and in May ruled that union elections for workers subject to the Railway Labor Act should be decided by only a majority of workers who cast ballots, not total company workers. This move would make it substantially easier for unions to win elections and could encourage deceptive election practices.

Overturning seventy-five years of precedent and two Supreme Court rulings, the National Mediation Board has overstepped its understood authority. Although frequently challenged, numerous institutions, under both Democrat and Republican Administrations, upheld the ''majority rule'' practice. The Supreme Court twice ruled in favor of ''majority rule'' unionization election standards.

Furthermore, the National Mediation Board has upheld challenges to majority rule four times, on grounds that: ''Certification based upon majority participation promotes

harmonious labor relations. A union without majority support cannot be as effective in negotiations as a union selected by a process which assures that a majority of employee's desire representation.''

AFL-CIO's complaints that transport companies have made it too difficult to unionize workers, thus necessitating the NMB's change, is largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65 percent of the time.

The merits of majority rule can be thoroughly weighed, debated, and voted on by our legislators, not the three members of the National Mediation Board.

Sincerely,

CHRISTOPHER PRANDONI,
Executive Director.

[From ALG News, Sept. 21, 2010]

ALG URGES SENATE TO SUPPORT ISAKSON RESOLUTION AGAINST UNION ORGANIZATION BY PLURALITY RULE

FAIRFAX, VA.—Americans for Limited Government (ALG) President Bill Wilson today urged the Senate to support a resolution of disapproval against a National Mediation Board rule that allows for union organization at railways and airlines with less than a majority of employees voting ''yes.''

The resolution of disapproval is being proposed by Senator Johnny Isakson, who in The Hill wrote ''The Obama administration's decision to repeal this rule means that now a minority of the bargaining unit can organize—permanently—the entire organizing unit.''

''The National Mediation Board simply does not have the legal authority to make such a radical change without Congressional authorization,'' Isakson stated in a press release. ''With this rule change, a union could be permanently recognized without a majority of employees having ever supported representation.''

That is because on May 11th, 2010, the National Mediation Board repealed the so-called ''Majority Rule.'' Under the old rule, it took a majority of an organizing unit voting ''yes'' to permanently organize a union. Now, it only takes a majority of those voting, a considerably lower threshold.

lsakson wrote in The Hill, ''[U]nder the Majority Rule, if a bargaining unit had 6,000 employees, 3,001 must have voted for a union to organize the unit. However, under the new rule, if only 1,000 of 6,000 vote, and 501 of those 1,000 vote yes, all 6,000 are permanently unionized, even if a majority of them become disenchanted with the union leadership.''

Isakson's resolution is expected to have an up-or-down vote on Thursday under expedited rules.

Wilson said the rule change most likely had been made to accommodate the merger of Delta Airlines and Northwest. ''The new company is 40 percent union, and most of that is from the Northwest employees. Since they didn't already have a majority, the only way to get a union for the whole company was to change the rules to accommodate a decades-long effort by Big Labor to unionize Delta.''

According to CNN Money, ''Unlike its competitors, Delta employees have declined to join labor unions in the past, priding themselves on having great relationships with the company and enjoying the freedom to negotiate contracts with managers one on one.''

Wilson said that the National Mediation Board had violated their authority under the Railway Labor Act, urging the Senate to ''uphold the original intent of the law, which never included allowing a minority of workers at a company to unionize. The National Mediation Board has clearly stepped out of its statutory role as a neutral arbiter, and into being an advocate on behalf of union organizers.''

Wilson's sentiments echoed those of the Chair of the National Mediation Board, Elizabeth Dougherty, who in her dissent wrote, ''Regardless of the composition of the board or the inhabitant of the White House, this independent agency has never been in the business of making controversial, one-sided rule changes at the behest of only labor or management.''

Wilson said this was ''just the latest example of an agency seizing the power to legislate from Congress,'' concluding, ''First it was the EPA with the carbon endangerment finding. Then the National Labor Relations Board opening the door for card check. And now the National MedianBoard allowing for unionization with less than majority support.''

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
Arlington, VA, September 23, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Associated Builders and Contractors (ABC), a national association with 77 chapters representing 25,000 merit shop construction and construction-related firms with 2 million employees, I write to express strong support for S.J. Res. 30, offered by Senator Isakson and urge you to vote in favor of this resolution. The resolution disapproves the rule submitted by the National Mediation Board relating to representation election procedures (published at 95 Fed. Reg. 26062 (May 11, 2010)), and would resolve that such rule shall have no force or effect.

The May 11 National Mediation Board rule requires employers governed under the Railway Labor Act to recognize and bargain with a union, even where a majority of affected employees have not voted to do so. This rule overturns 75 years of precedent and promotes union organizing at the expense of employees that do not favor union representation. Moreover, this radical change injects further uncertainty into our economy at a time when we can afford it least.

ABC believes the National Mediation Board's ruling reflects a disturbing trend by the federal government to promote unionization at the expense of free and open competition, economic growth and employees that do not favor union representation. ABC urges you to support S.J. Res. 30 and vote in favor of this resolution.

Sincerely,

GEOFF BURR,
Vice President, Federal Affairs.

LETTERS FROM WORKERS

On Monday, when this vote was scheduled, we launched an email address, airlines@isakson.senate.gov, and we asked the real experts—the workers affected by this rule change—to write us and offer their thoughts.

The response has been overwhelming. As of this morning, we've received over 100 individual letters in three days, not form letters or postcards, but carefully crafted letters decrying the unfairness of the NMB's rule change.

One of my constituents, a proud Delta flight attendant named Debi Shaw from Gainesville, Georgia contacted dozens of her friends and colleagues. Ms. Shaw collected over three dozen letters by herself.

I wish I could read all these letters into the record, but I wanted to share just a sample with my colleagues in the time I have.

One such letter came from Susan Powell of Buford, Georgia. She writes, ''I have invested 31 years into a fabulous career at Delta and I feel so blessed to have been able to work for such a wonderful company all these years. The intentions of the NMB are totally transparent and should not be tolerated by Congress—or any other body or individual (including President Obama) who claims to embrace honesty, fairness and ethics. It is abundantly clear to me that motivation of the newest Obama appointees to the NMB is to pave the way for the AFA to gain entry into Delta Air Lines—I see no other justification for imposing voting rules on Delta flight attendants contrary to the voting rules applied to union elections at all other carriers. I have loved my career at Delta and I am so proud of the monumental efforts my company and my fellow employees have made to emerge from bankruptcy and return to profitability. I watched in horror years ago as the unions at Eastern Airlines single-handedly brought their own company to its knees—and I was forever grateful that I had chosen to work for Delta, as opposed to Eastern. It is my belief that an election in favor of the AFA will be the ruination of my company and the end of the blissful career I have enjoyed at Delta.''

Another eloquent letter came from Karla Kelsey. ''I am a 32 year Delta flight attendant. I do not understand why the NMB would change a rule that has been in place for 75 years. It is, obviously, a decision partial to the unions, not the employees. . . . I am not interested in union representation and I resent how this situation has been handled. The impact on my life would be hugely negative if the AFA is voted in. What is fair about a union being able to come into my company with only a majority of those who vote as opposed to a majority of all flight attendants who would be represented?''

I didn't just hear from pre-merger Delta employees. I heard from Avery C. Parker, who had been with Northwest Airlines for 31 years. She writes, ''The NMB's decision to change the 75 plus year's old law concerning labor elections is very disturbing to me to say the least. . . . Is this how a government agency that has thousands of employees, counting on them to have an un-bias opinion, should act?''

Several workers contacted me complaining about the harassment they experience by union organizers. A flight attendant from Greensboro, Georgia, Toni Holman complains that ''pro-union activists are spreading really nasty and un-true rumors; are using intimidation tactics; and are also sabotaging the luggage, hotel rooms, etc of many flight attendants who are vocal anti-union or have ''No Way AFA'' bag tags on their suitcases. We are being targeted and persecuted. I also feel harassed by the bombardment of un-requested mail/e-mail/and telephone calls.''

Again, I received dozens of letters from across the country. I will be including a sampling in the record of this debate, so these workers know they have a voice in their Congress.

Mr. ISAKSON. Madam President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I strongly oppose the resolution of disapproval offered by my good friend, the Senator from Georgia. I tried to listen to all my friend said, but let's just keep in mind what this is all about. The resolution we have before us would keep in place outdated and undemocratic election procedures that undermine workers' fundamental rights.

Hard-working Americans deserve better, and I encourage my colleagues to vote down this resolution.

By way of background, the Railway Labor Act governs labor-management relations for the rail and air industries. As the Supreme Court has noted, the Railway Labor Act was expressly passed to ''encourage collective bargaining.'' Under the act, a majority of employees have the right to decide if they wish to be represented by a union, and they use elections to make that choice. Unfortunately, for many years, the National Mediation Board, which implements the Railway Labor Act, has had antiquated elections procedures that place huge obstacles in the way of workers who are trying to exercise their basic right.

Under these archaic rules, a union did not win an election if it won a majority of the votes cast. Let me repeat that. Under these archaic rules, a union did not win an election even though they may have won a majority of the votes cast. How can that be? Well, because, instead, a majority of all eligible voters, or all those who voted, a majority—instead of just counting all of those who voted, it said it had to be all eligible voters had to cast a vote for the union. What that meant was that anyone who didn't vote was automatically counted as a ''no'' vote. So all nonvoters were automatically and arbitrarily treated as a ''no'' vote or a vote against unionization. So if you didn't vote, that equaled a ''no'' vote. Doesn't that strike you as kind of odd?

This procedure is not only contrary to the election rules governing workers under the National Labor Relations Act, but it is contrary to basic principles of democracy underlying elections held throughout the United States, from student council elections to elections for United States Senators. Think about this. In virtually every election in this country, except those involving rail and aviation workers, a voter has a right to vote one way or the other or not to vote at all. However, under the archaic rules of the National Mediation Board, there is no right not to vote because if you don't vote you are counted as a ''no'' vote, whether you wanted to be a ''no'' vote or not. Maybe a lot of people don't vote for one reason or another.

As Senators, it would be apparent to all of us that this current rule makes no sense. For example, in the Senate, we cast hundreds of votes in each Congress. Inevitably, with one or two exceptions, most of us miss a vote or two, whether there is something going on in our State that we have to attend to or a family illness or whatever. We would be outraged if we missed a vote because of those circumstances and our vote was counted as a ''no'' vote when maybe we didn't want to vote no, but it would be automatically counted as a ''no'' vote if we didn't vote. We would be outraged at that.

In addition, in our contests for reelection, we would be outraged if every eligible voter who chooses not to vote is presumed to be a vote for our opponent; in other words, a ''no'' vote on us. That is pretty interesting, isn't it?

If you choose not to vote, you are counted as no. Well, it is no less outrageous to arbitrarily assign a position to nonvoters in a union election.

Again, there are many reasons a person might not vote. As I mentioned, they might be ill, forgot, or maybe they are just disinterested in the result, don't care one way or the other. That is why a basic principle of elections is that a voter's decision not to vote has no impact on an election's outcome. Again, I will repeat: A basic principle of elections in our country is that a voter's decision not to vote has no impact on the outcome of that election.

Indeed, in 1937, the Supreme Court, in Virginian Railway Company v. Systems Federation No. 40, in interpreting the very statute at issue—the Railway Labor Act—expressly said:

> Election laws providing for approval of a proposal by a specified majority of an electorate have been generally construed as requiring only the consent of the specified majority of those participating in the election. Those who do not participate are presumed to assent to the expressed will of those who vote.

It makes sense. If you don't vote, what you are saying is, for one reason or another, whichever side wins, they win. Whatever the expressed will is of the yes or the no, I give my assent to that by not voting. That is what the Supreme Court said.

This basic system of conducting elections works for school boards. It works for State legislatures. It works for Congress. It works for all businesses governed by the National Labor Relations Act, and it certainly will work for rail and aviation workers.

Now, given the antidemocratic nature of its union election procedures, in May the National Mediation Board issued a long overdue rule change. Under the new rules, a majority of those who actually vote in the election is required for the union to prevail. Under this procedure, an employee, a worker, can choose to vote for a union, they can choose to vote against unionization, or they can choose not to vote at all. The rule, very simply, recognizes that in an election, the side with the most votes wins.

Well, I think the National Mediation Board should be commended for its new, more democratic rule. It is consistent with the procedure used in other elections in our country and will ensure fairness and equal treatment for rail and aviation workers.

Nevertheless, my friend from Georgia and others wish to overturn the application of these basic democratic principles to air and rail workers. First, as I understand it, they argue that because the National Mediation Board's old rules are 75 years old, they should remain unchanged. Well, just because something is old doesn't mean it should remain forever. A rule's age is irrelevant in evaluating its fairness. Our country has rightly eliminated many flawed election rules when circumstances changed. It is time to discard this one too.

The justification for the original rule is long outdated. Rail and aviation workers, like workers at many other businesses, are spread throughout the country. Seventy-five years ago, with often poor communications, there was a legitimate concern that many employees would not learn that a union campaign was taking place or that a vote was scheduled. The National Mediation Board feared that a small but informed minority of workers could dominate the election process and dictate a result for a majority of employees, many of whom may not even have known an election was occurring. That is not true today. Given today's modern technology—the Internet, e-mail, cell phones—these concerns are simply no longer relevant and should not dictate the Board's current election procedures.

Secondly, I believe the Senator from Georgia is wrong when he claims that the National Mediation Board has exceeded or does not have authority to implement this rule change. On June 25, a Federal court rejected this argument, finding that the change was well within the agency's authority. The Railway Labor Act does not specify any particular election procedures and leaves the means of conducting elections up to the Board.

The process the Board used to adopt their new rule was fair, open, and allowed all parties an opportunity to comment, using the same notice and comment process under the Administrative Procedures Act as used by other Federal agencies.

The National Mediation Board published a notice of proposed rulemaking in the Federal Register on November 3, 2009, that included a detailed explanation of why the Board was considering this change. It allowed parties 60 days to comment and provided a detailed rationale for the proposal. The Board considered nearly 25,000 public comments and held a public meeting where over 34 members of the public testified. Federal agencies issue new regulations every day following the same notice and comment procedures employed by the Board in this procedure, and nothing untoward happened here. It was fully open, fully aboveboard, and in compliance, as I said, with the Administrative Procedures Act.

My friend from Georgia and others have argued that one of the National Mediation Board members, Linda Puchala, may have somehow misled Congress during her confirmation hearings and failed to consider the new rule with a fair and open mind. There is simply no evidence to support this claim. On May 12, 2009, Ms. Puchala answered a written question from the Senator from Georgia. He asked:

Please state your views regarding the importance of honoring the Board's 60-year history of precedents in matters involving representation and mediation.

That was the question. Ms. Puchala responded:

The board has a long history of precedents in matters involving representation and mediation. I think it is important to review each case on its merits and to consider all applicable precedents when making decisions.

Sounds logical to me. It is important to review each case on its merits. I would hope all individuals who have appointed positions in the Federal Government would take cases on their individual merits. Consider precedents, of course, if they are applicable, but to consider it on its merits.

As I understand it, that is precisely what Ms. Puchala did in this instance. In the almost 6 months between her confirmation and the publication of the notice of proposed rulemaking on November 3, 2009, she had ample time to carefully consider all points of view about the proposed change and implemented what she considered to be a fair rule. As a Federal judge wrote in rejecting these challenges:

The level of detail with which the agency considered and discussed negative comments in the Final Rule belies allegations that the Board rushed its consideration of the new rule. . . .

That is a Federal judge.

Opponents have also argued—and I just heard this—that the Republican National Mediation Board member Elizabeth Dougherty was unfairly excluded from the consideration of the new rule. While I believe the internal deliberative processes of agencies should appropriately be kept confidential, I am reassured by the district court's finding on this point that there was no evidence that the majority board members violated any procedural rule or acted in bad faith. That was the finding of the district court.

Finally, throughout the course of the public debate over this rule change, opponents of the new rule have claimed that the National Mediation Board is trying to ''do card check by running around the backdoor.''

This is just pure nonsense. The National Mediation Board rule has nothing to do with the Employee Free Choice Act or card check. It does not modify in any way the way rail and aviation workers vote. Rather, it simply makes clear that a decision not to vote will not arbitrarily be treated as a ''no'' vote.

While this debate has nothing substantive to do with the Employee Free Choice Act or card check, there is one common thread. At the heart of opposition to this rule, and also at the heart of opposition to the Employee Free Choice Act, is a fear on the part of some people that, yes, workers will exercise their fundamental right to organize.

I want to make it very clear. I happen to be a supporter of the Employee Free Choice Act. I keep asking: Why is it that workers are compelled to walk across broken glass, to go through some kind of a boot camp harassment to exercise what is their legal right in this country: to join a legal organization? Why should they have to go through all that? That is why I have supported the Employee Free Choice Act.

Let's be clear what we are talking about today. Let's be clear what this means with this new rule. It means that rail and aviation workers have a voice in the workplace. Some people may consider that awful. I do not. It means fair wages and benefits. It means better and safer working conditions. It means workers have the right to be heard. They have the right to organize. They have the right to be heard in collective bargaining.

Indeed—I repeat—the Railway Labor Act, as the Supreme Court noted, was expressly passed to ''encourage collective bargaining.'' Maybe there are some who do not want to encourage collective bargaining. I think we are better off when we do have collective bargaining and we respect the rights of workers in this country.

These are the goals I hope every Member of the body could support. I applaud the National Mediation Board's decision to discard an outdated, antidemocratic rule, and to ensure fundamental fairness to rail and aviation workers in this country. Why should they be the only ones, among all the workers in this country, all those covered by the National Labor Relations Act, why should these two be the only ones where if they do not vote, it is counted as a ''no'' vote. It does not happen anywhere else. It is an arcane, outdated rule. It should be brought into the spirit of democracy we have in this country. You can vote yes, you can vote no, or you do not have to vote. If you do not want to vote, you should not be assigned a ''yes'' vote or ''no'' vote to the fact you did not vote. It should not be counted at all in the outcome of the election.

I strongly encourage my colleagues to oppose this resolution of disapproval.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, let me take a moment to share a few alternative ideas to the distinguished Senator's representation.

First of all, with regard to Ms. Puchala's response to my question in the confirmation hearing that all rules ought to be judged on their merit, I think that is a very good response. But it is coincidental or ironic that in one of the largest union votes in the history of America—the vote that will take place between Delta and Northwest employees on whether to unionize flight attendants—that when they were sworn in as board members, the previous application by the union for an election was postponed to give enough time for the rule change to take place in the first place.

I do not know if that was judgment on merit or whether it happened to be just coincidental timing. I will say it was probably not based solely on the merit of the decision.

Secondly—and I love the Senator from Iowa. He and I are dear friends—if you follow his thought process on not counting ''no'' votes, you have to look at this. Past practice at the National Mediation Board dictated that an absolute majority of workers in the class be required to vote to unionize, and once that union takes place it is a permanent decision. Yes, there is an archaic straw-man alternative. However, if you follow the thought of the Senator from Iowa in its entirety, once we are elected to the Senate, we would not have to run for reelection again. That is because the National Mediation Board has no decertification process. This is essentially a permanent decision by the workers. I do not think it should be a permanent decision when one of us is elected to Congress. That is why we have elections in Congress every 2 years or in the Senate every 6 years.

Let's remember this is a decision. When we change this rule, we are allowing a minority to make a permanent decision for a class of workers. That is a very high threshold. I think requiring a majority vote of all those affected not only makes sense, but the reason it was done was to protect the National Mediation Board's intent in the first place in terms of interstate commerce in the United States of America. Another point Congress had no say in this process, even though Article 1 of the Constitution of the United States allows only us to regulate commerce.

I wanted to add those two points. On the case of merit, I think it is obvious there were some considerations specifically because of one vote, i.e, the vote of the AFA and IAM. That is why the unions withdrew their applications and postponed the vote, to give the National Mediation Board an opportunity to pass the rule and affect a pending vote to organize.

I wanted to make a point with regard to current policy not allowing people to be represented. Under the Railway Labor Act, 72 percent of the employees are unionized versus the 8 percent for all American workers. Nobody is talking about a rule preventing organization. We are only talking about requiring a threshold because of the permanency of the decision. That is very important.

We are not trying to skew the balance between labor and management. We are trying to equalize that balance. To change this rule, given the threshold that has been in place for 75 years, is to skew the process in favor of union bosses over workers' rights. That should not be the intent of the Congress of the United States. That is why the National Mediation Board rules are what they are, and that is why the Supreme Court of the United States has twice upheld it.

Madam President, I am happy to yield 10 minutes of my time to the distinguished Senator from Utah, Mr. HATCH.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I thank both my colleagues.

It has become customary to expect pendulum swings in labor law each time the White House changes hands and appoints new government officials to lead the Federal executive branch and independent agencies. Sometimes the law changes every 4 years, depending on who is sitting at the NLRB, Department of Labor, OSHA, EEOC, and so on. One year a particular issue might favor labor, and 4 years later the very same issue might favor management.

By analogy, at the NLRB, for example, 1 year graduate school teaching assistants are students not covered by the National Labor Relations Act. The next year they are deemed to be employees covered by the act. Then shortly thereafter, they are once again deemed to be students. Soon we may learn they will once again be employees.

The same is true with regard to the definition of ''supervisors'' excluded from the National Labor Relations Act. One would think that after 75 years, the NLRB would be able to define who is and who is not a supervisor. Instead, the law changes as the political pendulum swings.

What has actually changed other than the people confirmed by the Senate to make the decisions, to call the shots? Without any evidence of changed circumstances in the workplace or relieving the agency's own administrative burden—in fact, without any evident rationale—the only apparent reason for the changes in the NMB's representation election process is in the people who call the shots.

Obviously, this is not the way to promote stability in labor relations and employment law. It makes it difficult for employers, employees, unions, and the lawyers counseling them to ever be assured what the law is in any given area or any given time.

Mercifully, for some issues and at some agencies, it does not work that way. Until recently, that could be said for the National Mediation Board and the process by which it conducted union representation elections.

For 75 years, the procedure which has been applied consistently by the NMB for conducting union representation elections has been the same.

Boards appointed by Democratic Presidents Roosevelt, Truman, Johnson, Carter, and Clinton have agreed that the process through which labor organizations obtain certification as the representative of a majority of the craft or class is the cornerstone of stable labor relations in the air and rail industries. That has been the law for 75 years.

In fact, the NMB appointed by President Carter unanimously ruled that it did not have authority to administratively change the form of the NMB's ballot used in representation elections and that such a change, if appropriate, could only be made by Congress. That is until now.

The new members of the NMB, after assuring this Senate under oath at their confirmation hearings that they had no plans to reverse precedent, after only months on the job, reversed the NMB's longest standing precedent.

By rule, the NMB now certifies representatives elected by a minority of the craft or class so long as they constitute a majority of those voting. This is not just a minor change, this change destabilizes the cornerstone of stable labor relations under the Railway Labor Act and 75 years of NMB precedent which was consistent with the plain statutory language and congressional intent.

Here is how it is destabilizing. First, the former law which required election of a representative by a majority of the craft or class quelled any doubts about the authority of the selected representative. The new procedure will do nothing but foment dissent.

Second, the former certification procedure facilitated the process for employees and their representative to work cohesively toward negotiating and maintaining agreements with an air or rail carrier. The carrier knew the majority of the entire craft or class supported the union, not simply a majority of those voting. This gave the representative more standing. The new procedure will undermine the representative's authority.

Third, the former certification procedure discouraged raids by rival unions and interunion conflicts. The new procedure will encourage such raids.

Fourth, the former certification process recognized the reality in the air and rail industries that, unlike the National Labor Relations Act, negotiations for collective bargaining agreements cover a broad craft or class of employees spread over multiple, geographic locations. Therefore, there is a strong need to demonstrate majority support across those geographic locations, not as the current procedure, smaller units of employees.

So, if anything, the new rules are destabilizing rather than promoting greater stability. The result ignores the clear congressional statutory mandate to maintain stability in the air and rail industries.

I repeat, after assuring us they would not do so, the new NMB members overruled 75 years of precedent which had been consistent through both Democratic and Republican administrations. And how did they do it? It certainly speaks volumes that the rule was developed without the input or participation of the sole Republican member of the three-member NMB, former Chair Elizabeth Dougherty, who was notified of the existence of a proposed rule late one morning and given 24 hours to review the rule and draft a dissent—24 hours to comment on a rule that scraps a precedent which had existed for 75 years and which is likely to discombobulate two great industries. I thought this form of arrogant, rushed, exclusionary rulemaking only exists in Congress when the majority wants to steamroll legislation.

Finally, while changing the rules for certification of a labor representative, the NMB flatly refused to even consider the democratic procedure of decertifying the labor representative should the employees so freely and independently choose. Now, I have heard of ''one man, one vote,'' but ignoring the right of the employees to decertify a union is more like ''one man, one vote, one time.'' How can you have a democratic process where a minority of employees can vote a union in without having a mirror process allowing the majority of employees to be able to vote the union out if a majority of employees become dissatisfied with their representation?

Today, we should stand up and say no—no, you cannot tell us one thing in confirmation hearings and courtesy visits and then do exactly the opposite on the job. We should exercise our voting rights in the Senate under the Congressional Review Act to review this outrageous NMB rule which benefits only one group—labor unions—not employees, certainly not employers, and not the public.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I yield up to 6 minutes to the distinguished Senator from Nevada, Mr. ENSIGN.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Madam President, I rise today to discuss the resolution before us—a resolution of disapproval to prevent the implementation of the recent National Mediation Board regulations. Many Americans are likely unaware of the vote we are about to have today, let alone the controversial rule it concerns.

Last May, the National Mediation Board finalized a new regulation that would turn 75 years of union voting precedent on its head. I believe a vote to support this resolution of disapproval is a vote to protect our Nation's workers. Specifically, the National Mediation Board has changed

the voting rules under the Railway Labor Act. The Railway Labor Act is the law that sets labor union rules for railways and airline employees. For the past 75 years, under this act, a majority of employees in an ''organizing unit'' have had to vote yes to form a union. Under this new change, only a majority of employees who actually vote are needed to form a union.

How does this new rule work in practice? For example, if an airline has 1,000 employees who are nonunion today, currently 501 must vote yes to unionize. But under this new union rule, if only 300 of those employees vote, then it would require only 151 of those employees to unionize and speak for the entire 1,000 employees. Since there is no procedure to deunionize under the Railway Labor Act, once this union is formed, these 1,000 employees would be permanently unionized. There is simply no way to vote out a certified union in this part of the law even if a majority is unhappy with the union leadership. This doesn't make sense given that the National Labor Relations Act—the law that governs most labor unions in this country—does allow workers to deunionize.

It is also concerning that the National Mediation Board effectively blocked out the input of its sole Republican member, Chairman Elizabeth Dougherty, during the rulemaking process. Chairman Dougherty stated:

> The proposal was completed without my input or participation, and I was excluded from any discussions regarding the timing of the proposed rule.

That sounds like what has been going on here lately.

It certainly doesn't sound like the transparency on which the other side of the aisle campaigned.

The American people listening to this debate may be thinking this rule change sounds like nothing more than a political payback to labor, and in my opinion, they are right. The American people listening today may also be thinking this whole debate sounds vaguely familiar, and they would be right again. A proposal called card check may ring a bell. Recall that under the Democrats' card check litigation, American workers would be deprived of the right to a secret ballot when voting on whether to form a union. And while card check and the National Mediation Board rule change may not be one in the same, they both lead to an identical outcome: undermining the fundamental rights of American workers.

You may be asking whether this rule will help workers in the airline and railway industries unionize. Perhaps this rule is needed because the employers have stacked the deck of cards against unionization efforts. But let's look at the facts. An average of 72 percent of airline and railway employees today are unionized, compared to only 8 percent in the rest of the private sector. I repeat: 72 percent in airlines and railways, only 8 percent in the rest of the private sector. So it can't be the case that this new policy is in response to the failure of 75 years of voting precedent or employers blocking the ability for employees to unionize. In fact, workers at Delta have voted down six organizing drives over the past 10 years.

This Nation is facing unprecedented economic difficulties. I speak from experience. The unemployment rate in my State of Nevada is 14.4 percent. We lead the country, unfortunately. The Federal bureaucracy should be working to strengthen our economy, not create an environment for American businesses that leads to an uneven playing field and, at the end of the day, more uncertainty. Uncertainty does not help create jobs.

To conclude, the members of the National Mediation Board have not provided Congress with any substantial evidence that a change in union voting procedures is needed. I believe this rule change is a sign of a dangerous trend—a trend that runs counter to the core principles of American democracy and the ability to choose freely through a fair voting process. As such, I urge my colleagues to support Senator ISAKSON's resolution, S.J. Res. 30, and vote down the National Mediation Board rule.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I yield up to 5 minutes to the distinguished Senator from Georgia, Mr. CHAMBLISS.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, first of all, I thank my colleague from Georgia for allowing me to come over to speak on this issue, and I rise to concur with the resolution introduced by my friend and my colleague, Senator ISAKSON.

For more than 75 years, our labor laws governing airline and railway employees have been upheld under both Democratic and Republican administrations and in two Supreme Court decisions. Recently, however, the National Mediation Board acted unilaterally to change a longstanding statute without seeking the consent of Congress.

Unfortunately, this change is based more on politics than on the merits of the law. Historically, if you had 100 employees who wanted to vote to form a union, you would need a majority of those employees—or 51—to vote in favor of unionizing. Now, in accordance with the new rule change from the National Mediation Board, if 10 members choose to vote on whether to organize, a majority of 6 members voting yes would bring all 100 members under union control. That is not the way the law was ever intended to operate, and it should not be changed by an arbitrary action on the part of this Board. Not only would a minority of workers have a tremendous influence over other employees in such a workplace, but when a union is formed, employees would not have the same right to decertify the union under the new minority rule.

While the Obama administration is attempting to amend our labor laws in order to facilitate the unionization process, the old majority rule was anything but anti-union because today an average of 72 percent of railway and airline employees are unionized, compared to only 8 percent of all workers in the remainder of the private sector.

Not only is the new rule change flawed, but the procedure by which it came about was dreadfully biased. The National Mediation Board is made up of three members and has existed since 1934 to coordinate labor-management relations within the railroad and airline industries. The two Democratic appointees decided to move forward with this rule change without input or participation from the Republican-appointed Chairman.

What the National Mediation Board has implemented goes beyond the scope of its capacity as well as its jurisdiction, and it is going to result in a rather lengthy court battle if this rule does come about. There is no need for this rule change when 72 percent of the airline and railroad industry is already unionized and has had the opportunity to unionize under this law. The responsibility of a change in labor laws of this magnitude and affecting this many workers should ultimately rest with Congress, not with a small board of political appointees.

I am proud to be an original cosponsor of the resolution of my colleague from Georgia. I urge my colleagues to follow his lead on this issue and to agree to this resolution.

I yield the remainder of my time to Senator ISAKSON.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent to reinstate the quorum call providing the additional time used is equally divided between the majority and minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I thank Senator HARKIN for his leadership on this issue in opposing the Senate Joint Resolution 30. I join him in urging my colleagues to oppose the resolution.

The National Mediation Board is an important entity. They have the responsibility to oversee labor-management relations in the rail and aviation industry. On May 11 of this year, they issued a final rule that allowed a majority of voting employees—let me repeat that, a rule that allows a majority of the voting employees—to determine the outcome of union representation elections.

I don't understand the controversy. I thought we all agreed that majority rules, as far as what should happen. The rule is common sense. Let me explain the problem. I know it has been said before on the floor.

Prior to this regulation, if a person did not show up and did not vote, it was counted as a negative. Suppose we conducted our elections that way. Suppose we were to say that if a majority of people do not show up to vote, you do not have an election. It makes sense that we count the votes that are cast. We don't know, from who does not vote, how they would vote, and to say that is a negative defies the democratic system we hold so dear in this country. Not participating voters were counted as ''no'' votes, and this regulation makes it clear that will no longer be the case.

Opponents of this rule change argue the Board does not have the authority to change the rule. That is not true also. The Railway Labor Act gives the NMB discretion on conducting union elections and procedure is not outlined in the statute. U.S. Supreme Court and District Court decisions have confirmed that authority, so they have that authority.

Then the opponents say this rule is about the Employee Free Choice Act, an issue that has some controversy among some of my Members. But that is not true. This rule deals with areas where we already have union representation.

I was proud to join 38 of my Senate colleagues in signing a letter in December of 2009, encouraging the National Mediation Board to change its outdated union election procedures. That is exactly what they have done. The old procedure is not used in any other union elections. It does not follow the democratic norm for elections that all Americans value and respect. The old procedure does not even make any sense.

I urge my colleagues to oppose S.J. Res. 30. To me, this is a matter of basic fairness. It is a matter of what the values of our Nation are all about. Those who participate get the right to decide. You cannot participate by not participating and that is what the rule makes clear. We will count the votes that are cast, but we are not going to count those votes that are not cast. I urge my colleagues to oppose the resolution.

I yield the floor and suggest the absence of a quorum.

Mr. HARKIN. If the Senator will withhold the request for the quorum call.

Mr. CARDIN. I will withhold it.

Mr. HARKIN. Madam President, how much time do we have on our side?

The ACTING PRESIDENT pro tempore. The Senator has 35 minutes.

Mr. HARKIN. On the opposite side?

The ACTING PRESIDENT pro tempore. There is 22 minutes.

Mr. HARKIN. We have 35 minutes left on our side. I yield 10 minutes or however much he needs, up to 10 minutes to my friend, the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise to discuss my opposition to the resolution before us, the resolution disapproving the National Mediation Board's ruling on election procedures. This ruling finally brings union election rules in the rail and aviation industries in line with union elections in every other industry. It also brings them in line with every other democratic election for public office at the Federal, State, and local levels.

Today, after the NMB rule change, a union election at an airline will be like any other election. Employees who are the voters will have the opportunity to access a ballot. If they want union representation, they will vote yes. If they do not want union representation, they will vote no. If they do not have a strong opinion or if they forget to vote, then they do not count. Election officials count up the cast ballots and the category with the most votes wins.

Does anything about that description raise any flags? Probably not. Because that is how elections work in this country. Prior to the NMB rule change, an airline union election worked very differently. Election officials counted people who did not vote as ''no'' votes. Imagine if Senate elections worked that way for us—if, to elect a Senator, 50 percent of the eligible voters in the State had to vote for a candidate. In the 2000 elections, when every single State except for my home State of Minnesota had less than 60 percent turnout, what would have happened?

Let's say, for the sake of it, that all the races had as high a turnout as Minnesota—60 percent. They did not, but let's say so. In order to capture 50 percent of the entire electorate, a candidate would have to get 84 percent of the votes cast. If no Senator captured 84 percent under the old NMB rules, those States would not get a Senator. There would be no one here or almost no one. It would be a lonely place.

Thankfully, that is not how Senate elections work. Thankfully, airline elections will not work like that going forward. But that is how they worked in the past. In a 2008 Delta flight attendant election, the outcome was 5,306 in favor of union representation out of 5,375. That sounds like a pretty strong victory in favor of the union, right? Wrong. The National Mediation Board was forced to compute the tally by counting nonvoters as ''no'' votes; thus, it ended up with 5,306 votes in favor of the union and 8,074 not in favor. So the vote failed, even though less than 1 percent of those voting against the union represented actual cast ballots.

I should admit I have a special concern in this debate. My home State is home to thousands of Delta employees. Prior to the merger, they were Northwest employees and most were unionized. Now they are facing a scary prospect: losing union representation after enjoying its benefits for decades. Union representation has provided them with living wages, retirement security, and health benefits. Compare this to a flight attendant for a different airline who revealed she was eligible for food stamps, despite working full time.

In professions in which full-time workers get food stamps, union representation is even more vital. The NMB rule change will give Delta workers a meaningful choice, the same meaningful choice voters have in every other democratic election in this country. The claim that this rule change is unfair or undemocratic is simply not true. This change will bring real democracy to elections in the airline and rail industries. I think we can all agree that democracy has served our country well. I think we can agree on that. I urge my colleagues to vote against this resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Before I introduce Senator ENZI, the distinguished Senator from Minnesota asked a rhetorical question regarding this election being similar to an election to the Senate. I would note one remarkable difference. National Mediation Board elections are unionized under current law as a permanent decision. Senators are elected every 6 years and then stand before the voters once again, so there is a significant difference between those two standards.

Madam President, I will recognize for up to 10 minutes the distinguished Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise today to urge my colleagues to join me in supporting this joint resolution disapproving the National Mediation Board rule that will deprive railway and airline employees of a voice in their representation elections.

For 75 years, the Board's procedure for voting on union representation properly reflected the geographically broad workforce of the rail and airline

industries. Under this time-tested procedure, the workforce would become unionized if the majority of all the workers in a class voted to join a union.

The new rule has changed the way employees' votes are counted in order to favor the union. For 75 years, not voting at all has counted as a no vote. Now, employees who do not vote or cannot vote will lose any chance to weigh in on the question of union representation. In fact, a minority of workers in a class could determine the fate of the entire workforce. This new rule conflicts with the plain language of the statute. The method for selecting a union is expressly described in the Railway Labor Act: ''The majority of any craft or class of employees shall have the right to determine who shall be the representatives of the craft or class for the purposes of this Act.'' No matter what the Board's policy justifications for this rule are, the law is clear. Supporting this resolution will send a message to those who want to change this 75-year-old rule to favor unions in an industry that is already majority unionized. The only appropriate manner to create new policy here is to amend the statute.

Proponents of the new rule say the election procedure under the Railway Labor Act should mirror the procedure used under the National Labor Relations Act. While this procedure may work fine with smaller units of workers, typically working within the same workplace, it is not an equitable method for workers in the railway or airline industries. The classes of railway and airline workers were intentionally created to be systemwide in order to allow uniform workplace rules and prevent the shutdown of an entire carrier should there be a strike in one local.

With workers geographically spread out across the country and working on different shifts, it is difficult for transportation industry employees to communicate their views with coworkers and voice their opinions during a union election. For 75 years, abstaining has been a way of saying ''not sure'' or ''need more information,'' as well as ''no.'' In many companies, unions try year after year to gain the backing of a majority of employees through elections. This rule change silences those who do not vote because they don't feel like they have gotten enough information to decide. Instead of requiring a union to convince the workforce to support the union, the Board is seeking to allow unions to force their way in. This is a matter of deep concern because once a union is certified, there is no way to decertify it.

Currently, the Board does not have a specific decertification process. This makes it nearly impossible for employees unhappy with their union to organize their fellow employees and vote the union out of their workplace. It seems logical that since the Board acted to make it easier for employees to join a union, it would have also simplified the process for employees to get rid of their union. But, despite requests to do so during the notice and comment period for the rule, they did not. In fact, employees stuck in unions they do not support because of this rule will also not have the benefit of State right to work laws, which would allow an employee to opt out of full union membership and dues obligations. The Railway Labor Act preempts the 22 States that have adopted right to work laws.

The Board has acknowledged that its primary duty in resolving representative disputes is ''to determine the clear, uncoerced choice of the affected employees.'' I could not agree more. But that important duty needs to apply equally when employees seek to vote a union out of their workplace. The fact that the new rule fails to include a decertification process based on the majority of votes cast, is not only troubling, but evidences the true intent of the Board and this administration to tilt the playing field to favor unions over individual workers' rights.

Last year this body unanimously confirmed two nominees to the National Mediation Board. Several members of the HELP Committee, including my office, specifically asked each of them about their position on changing the way a majority in a unionization election is measured. In reply these nominees stated that they had no preconceived agenda to alter election rules that have been in place for 75 years. Yet, practically before the ink had dried on their confirmations, these two nominees began pushing through this regulation which is a wholesale reversal of those rules to the benefit of labor unions. It is not as uncommon as it should be for nominees to say one thing in their confirmation hearings and act differently once in office, but this example may be one of the most concerning because of the way it was done.

In their haste, the majority NMB members thoroughly disregarded the rights of the single minority member. The minority member was given no notice about the other Board members' plans, including even the fact that there was a rulemaking effort underway. Instead, she was presented with the proposed rule to be published and given 1½ hours to review and determine if she would support it. They even tried to stop her from publishing a dissent to the rule proposal. Silencing dissenting views appears to be an alarming trend at the Board. And unfortunately, it has gone beyond the National Mediations Board.

Over at the National Labor Relations Board, workers' rights and freedoms are similarly at risk. Just recently, at the end of August, the NLRB chose to revisit a 2007 ruling known as Dana Corp. that protected workers' rights to a secret ballot vote. In that 2007 ruling, the Board held that card check was inferior to the use of secret ballot voting in union elections. The Board concluded that when an employer recognized a union in the workplace by card check, employees had the right to request a secret ballot vote to show whether they actually wanted union representation. This was an important ruling to protect workers from union coercion and intimidation that can occur in the card check process. The ruling gave employees a voice in whether they actually wanted union representation, instead of having their employer and a union decide for them.

Now fast forward to August 2010. The NLRB has just decided to revisit that 2007 ruling. Why? There has not been a major shift in management-labor relations that warrants such a change. In fact, the 2007 ruling has served as an important oversight mechanism. According, to the Wall Street Journal, since the 2007 ruling, 1,111 workplaces have become union by the card check process, of which 54 of those have demanded a vote. Only 15 of the 54, voted against the union. So clearly, the 2007 ruling has not led to huge losses for the unions. But it did give employees a say in their workplace.

This Congress should be very concerned about the current state of these administrative boards that were intended to be independent. Concealed agendas cannot become the norm for Senate confirmed positions. If it is then we will have difficulty confirming anyone whose former employer would fall under the nominee's jurisdiction.

I thank the Senator from Georgia, Mr. ISAKSON, for offering this resolution to send a message to the National Mediation Board that when they seek a change in policy, they must do so within their constitutional and legal authority.

I also note that every member of our caucus has cosponsored Senator ISAKSON's resolution and joins him in sending this message. I urge all of my colleagues to vote for this resolution.

Mr. LEVIN. Madam President, I have long supported the rights of workers to form unions, and I support the National Mediation Board's new rule allowing those in the rail and airline industries to form a union based on the votes cast by a simple majority, a basic principle of democracy.

Under the previous rule, a vote not cast was counted as a vote against the union, in spite of the fact that it is impossible to discern the intention of someone not casting a vote. The new rule adopted by the National Mediation Board mirrors the practice of the National Labor Relations Board, which oversees union elections in other sectors, and it mirrors the rules by which we choose our elected officials: the only votes counted are those actually cast.

Discontinuing this unfair and undemocratic practice was the right thing for the National Mediation Board to do. The new rule is fair to all parties, and is consistent with our democratic traditions. For this reason, I do not support the Isakson resolution opposing this new regulation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I do not have any more speakers on our side. I wanted to respond on a couple of issues that have come up here in the remarks in the last several minutes, last hour and a half, I guess, since we have been here.

First, having to deal with the idea that somehow under the National Mediation Board when there is an election for a union that it is permanent. Now, right. I mean, my friend from Georgia is right. You cannot kind of compare it to Senators, because we have to run every 6 years. I understand that.

I think it is still holds, though, that should someone who does not vote be counted as a no or a yes either way—I would ask my friend from Georgia to think about this in terms of not elections for Senators but how about ballot initiatives? We have school bond issues, and school bond issues get, maybe, what, 30 percent of the vote out. Should all of the people who do not vote be counted no against a bond issue?

I do not know about my friend's State of Georgia, but I know in Iowa we have retention ballot initiatives for our judges. We have a very good nonpartisan, nonpolitical way of getting judges. But then the judges come up on the ballot every so often. Yes or no, should they be retained? They do not have to run against anybody and no one runs for a judgeship. But should they be retained?

Well, obviously not too many people vote on that. Should people who do not vote be counted automatically as a no vote? I do not think people would like that. A lot of people do not vote because they may not have enough information to vote one way or the other, so they leave it go and say, well, maybe other people who know better could have their votes counted yes or no.

We have had ballot initiatives for minimum wages. Should all of those who do not vote be counted as no? I think it is a very fundamental principle of our system of government, as the Supreme Court has said many times in the past, that a ballot not cast should not in any way influence the outcome of the election, of any election.

The outcome of the election is determined by the yes and no votes, not by people who do not vote, a very basic principle. So that is one point I wanted to clarify.

This old rule of the National Mediation Board that people keep talking about, saying it is been the same for 75 years, I could quite frankly argue that it should not have been that way in the first place, although as I said in my opening statement I understand some of the rationale for it, that 75 years ago, where you did not have rapid communications and things such as that, you would not want a small group that maybe had voted a union in, and other people did not even know about it. But that is hardly the case today. Hardly. Everyone knows about it with instant communications and everything else. That is hardly the case today.

It is time to get rid of old, archaic rules that govern certain kinds of elections. Gosh knows, we have had a lot of old archaic rules in elections in this country going back to Jim Crow laws and things such as that. But we have moved beyond that, and those old kinds of rules should not apply any longer. So we move on and we recognize that people ought to have the right to vote, and that if you do not vote, it should not be counted as a no or a yes vote one way or the other.

Regarding the issue of when the union is voted in, it is as though they are forever, it is permanent. I have heard that argument made. Well, that is not necessarily true. But that is under the National Labor Relations Act the same thing. If a union is voted in, it is not voted in for 1 year or 3 years or 5 years. It exists until such time as the union is decertified.

There are two processes. There is a process under the National Labor Relations Act for decertification, and there is a process under the National Mediation Board for decertification. Essentially, with the exception of how they start, they both rely upon an election by secret ballot as to whether the union will continue to represent the workers of that plant or that industry or that association or whatever.

Under the National Mediation Board, if a union was voted in, the employees could at some point say, look, I do not think enough people want to maintain a union here. What they do is they put up a person to run in a union election, a straw man. People know if they vote for that person, they are voting to get rid of the union, because if that person wins, that person will not represent the workers.

This is done. There is nothing wrong with that. It is fine. So workers know if they vote for this person, it ends the union. If they vote against this person, it continues the union. It is all by secret ballot. The National Labor Relations Act is basically the same way. If an employer or employees want to decertify a union, they file a petition with the NLRB, and then there is an election, as to whether the union will continue to represent the workers.

There may be a little bit of difference in structure between the National Labor Relations Act and the National Mediation Board, but, in essence, they are the same thing. You have a secret ballot as to whether the union continues. So it is not that the union is there in perpetuity, it is there as long as the workers want to continue to be represented by a union.

Lastly, I will digress a little bit from the point at hand; that is, the issue at hand on the matter before us on overturning this rule, to say a couple of things about unionization and workers who belong to unions in our country. It is a shame that union workers are somehow almost degraded as not even being worthy of being citizens in this country; that somehow a union has dark overtones, that somehow unions are destructive or not in keeping with American society or who we are as a people.

If we look at the history of the country, it was unions that built the middle class in America. I defy anyone to refute what I just said, that it was unions that built the middle class. It was unions that instituted things such as the minimum wage, such as safe working conditions, such as making sure they had a fair share in terms of wages, that they had an 8-hour workday and a 40-hour workweek and time and a half overtime—all these things were brought by unionization, people collectively bargaining for wages, hours, and conditions of employment. Maybe there are some who would like to undo the Wagner Act. If they do, fine. I suppose some people believe we shouldn't have any unions at all.

China doesn't have any independent unions. Do we want to be like that? Unions built the middle class in America.

Unions today do a very good job of representing workers, both in the public and private sectors. Today, we have too few people in America who actually belong to unions. We should have more, but we have made it more and more difficult for people to freely exercise their right to actually join a union. I just looked at a list of countries in the G8. With the exception of Russia, which I can't get figures for, the United States basically is at the bottom. Canada, 27 percent of their workforce is unionized; Japan, 18 percent; Italy, 33 percent; Germany, 19 percent. Look at the economy of Germany. The United Kingdom is 27 percent, and the United States is 11.9 percent. We are down there at the bottom. One cannot say that somehow if we have unions and we are highly organized, that our economy is going to be bad. Quite frankly, these other economies are doing as well or better than we are, and they have pretty strong unions.

I digress because it seems that time after time we hear people in a subtle way hinting or implying that unions, by their very nature, are somehow destructive of American free enterprise and our capitalist system. I don't think anything could be further from the truth. If it were not for unions, our economy would have gone down the tubes a long time ago.

Quite frankly, I believe one of the reasons we have seen in the last few years a widening gap between the rich and the poor—and it is happening; no one can refute that. The gap between the very wealthy and those at the bottom is growing rapidly and has grown rapidly just over the last 10, 15, 20 years—is coincidental with the fact that fewer and fewer people belong to unions, and more and more unions are being decertified or it is more difficult for people to join unions. Unions are

being busted through by one means or another.

I often tell the story of my brother Frank. He is now deceased. He went to work for a plant in west Des Moines, IA, back in the early 1950s. It was unionized by the United Auto Workers. My brother was disabled, but the owner of the plant—it was privately held—Mr. Delavan, owned the plant and hired a lot of people with disabilities. They had good jobs, good wages and hours. It was a great place to work. He worked there for 23 years. He worked there for 10 years one time, his first 10 years, and they gave him a gold watch because in 10 years he never missed 1 day of work and was not late once. In fact, in 23 years, he only missed 5 days of work because of a blizzard. In all those years, they never had one labor strike, not one labor problem, no strikes, nothing. They would have their bargaining agreement. They would bargain with the owner. They would move on. They never had a work stoppage, never had any problems, until Mr. Delavan got old and sold the plant to a group of investors.

The investors came in and openly bragged—and I have the newspaper to prove it—if you want to see how to get rid of a union, come to Delavan's. That was in the Des Moines Register.

When the contract came up for negotiation, the employer refused to negotiate. They would sit down and talk for a little bit, but nothing could be agreed upon. It went on and on. Finally, the union had to call a strike, the first time ever. The new owners, the investors, brought in what the striking workers called the scabs, the replacement workers, brought them in, kept them there. One year later, they had a vote to decertify the union because the new people there didn't want to lose their jobs. They decertified the union, busted the union.

Why did they want to do that? Because a lot of the people, such as my brother who had worked there for 23 years, had established seniority. They were getting paid a good hourly wage. But the new investors figured out they could get rid of all those people, hire younger people, pay them a lot less, and they would make more profit. That is exactly what happened. Investors made more profit. But they got rid of a lot of people and destroyed a lot of lives. People who had worked there for a long time and had families basically were told they were used up, burned out, out on the trash heap out in back.

I often think about that. I think about what happened. There was no reason to break that union other than to have more profits for the investors and less for the workers.

That has been going on in this country at least for the last 25 to 30 years. So is it any surprise that fewer and fewer people are getting more and more wealth and more and more people are getting less?

I hear people talking about unions and they don't want to strengthen unions, don't want to help unions. I want to make sure the playing field is open and level and that the secret ballot is fairly used, that people should have a better chance at joining a union than what they have in the United States today. That is why I am for the Employee Free Choice Act. It will strengthen the right of people to actually freely and openly join a collective bargaining unit. That would be better for the country. I state that unequivocally. The more and more we denigrate workers in terms of their ability to collectively bargain, we will hurt the economy. When we strengthen unions, when we strengthen people and give them better rights and better chances to organize and bargain collectively, then more and more of our money, our national economy, more of that will go to the workers, maybe less to capital. I think that is the way it should be. Too much of our money is going to capital and not enough to labor. We need a better balance there. About the only way that will happen is through collective bargaining.

Count me as a person who is strongly in favor of collective bargaining and strongly opposed to this effort to overturn a rule made by the National Mediation Board which I believe rights an injustice, rights a wrong, and says that: In the future, if you have an election, if you don't vote, your vote is not counted one way or the other. The outcome of the election will be decided by those who vote yes or no in a secret ballot.

Madam President, I ask unanimous consent that at 12:20 p.m., there be 10 minutes of debate remaining on the joint resolution; that it be equally divided and controlled between Senators ISAKSON and HARKIN; further, that at 12:30 p.m., the Senate immediately proceed to a vote on the motion to proceed to S.J. Res. 30, the joint resolution of disapproval.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. HARKIN. How much time is on our side?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. HARKIN. And on the other side?

The PRESIDING OFFICER. There is 13 minutes.

Mr. HARKING. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I wish to address the remarks of the distinguished chairman which in many ways validate the reason we should all vote for S.J. Res. 30. I wish to tell my colleagues why.

The chairman said unionization is permanent, but it is kind of not permanent if you make a decision under the National Mediation Board. I wish to clear that up.

I ask unanimous consent to print in the RECORD the October 8, 2009, letter from Sandra Polaski, Deputy Under Secretary of Labor for the Obama administration, sent to Cleopatra Doumbia-Henry, Director of International Labor Standards Department, International Labor Office in Geneva, Switzerland, who was asked a number of questions regarding U.S. labor law as it affects aviation and transportation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
BUREAU OF INT'L. LABOR AFFAIRS,
Washington, DC, October 8, 2009.

MS. CLEOPATRA DOUMBIA-HENRY,
Director, International Labor Standards Department, International Labor Office, Geneva, Switzerland.

DEAR MS. DOUMBIA-HENRY: Enclosed are the observations of the United States Government in Freedom of Association Case No. 2683 concerning the procedures and practices of the National Mediation Board, with particular reference to flight attendants at Delta Airlines. I trust that this information will be brought to the attention of the Governing Body Committee on Freedom of Association.

Per your request, we invited the U.S. Council for International Business to submit their views, and those of Delta, on the complaint. We will transmit these observations as soon as they are available.

Sincerely,

SANDRA POLASKI,
Deputy Undersecretary.

Mr. ISAKSON. I will quote from her answer to question 15.

Unlike the National Labor Relations Act (NLRA), the [Railway Labor Act] does not provide for a decertification process.

This is the Under Secretary of Labor for the Obama administration.

Therefore, the union's certification continues until another union makes a showing of interest to represent the respective class or craft. In this circumstance, as this showing requires authorization from at least a majority of the class or craft, the alleged disadvantage of NMB certifying method works to the advantage of the incumbent union.

I didn't say that; the Under Secretary of Labor said that.

With regard to the examples the distinguished chairman used with regard to bond issues and the Missouri plan and things of that nature, I wish to make a few points.

When you do vote for a bond issue, you vote it up or down. Most government bond issues are 20- to 30-year terms, which means in 20, 30 years, they are over. Organization under the National Mediation Board is in perpetuity. Then the distinguished chairman talked about what I think is called the Missouri plan, which is judges, where you can vote up or down on whether to continue a judge. You do that about every 4 years in the State of Iowa; right? Whatever the judicial term is, it is not in perpetuity. This is in perpetuity, with the narrow exception stated.

Then, the chairman talked about the minimum wage. The minimum wage has risen from $1 to its current level because we periodically had elections to change it. This is permanent.

So when we take the arguments he made about being anti-union or not in favor of unions, the National Mediation Board organization essentially guarantees the organization of a union remain in perpetuity, which is why it ought to require a majority of all people covered.

The chairman talked about an Iowa union that had been decertified. Those employees work under the NLRA. We can't have it both ways. The Railway Labor Act should be like the National Labor Relations Act, under which the decertification process is parallel to the organization process.

I am honored and privileged to represent the State that is home to Delta Airlines. I know what kind of an employer they are, and they do not deserve to be vilified by the Obama Administration. I have a letter I have already asked to be printed in the RECORD, but I would like to read a part of this letter from a Delta employee by the name of Susan Powell of Buford, GA. She writes:

> I have invested 31 years into a fabulous career at Delta [Air Lines] and I feel so blessed to have been able to work for such a wonderful company all these years. The intentions of the National Mediation Board are totally transparent and should not be tolerated by Congress—or any other body or individual (including President Obama) who claims to embrace honesty, fairness and ethics. It is abundantly clear to me that motivation of the newest . . . appointees to the National Mediation Board is to pave the way for an Association of Flight Attendants to gain entry into Delta Air Lines—I see no other justification for imposing voting rules on Delta flight attendants contrary to the voting rules applied to union elections at all other carriers.

That is a key point.

> I have loved my career at Delta and I am so proud of the monumental efforts my company and my fellow employees have made to emerge from bankruptcy and return to profitability. I watched in horror years ago as the unions at Eastern Airlines single-handedly brought their own company to its knees—and I was forever grateful that I had chosen to work for Delta, as opposed to Eastern. It is my belief that an election in favor of the AFA will be the ruination of my company and the end of the blissful career I have enjoyed at Delta.

I have tons of letters from Delta employees—including from many who were employed by NMA before the merger—that are just like the remarks made by Susan Powell. This is a great company, a company where, on one of its anniversaries, its employees raised the money internally to buy the company an anniversary jet for their fleet. Delta Air Lines is a great company that has operated under the National Mediation Board's regulations since it was incorporated as an airline carrier in the United States of America. Those regulations should continue without this pro-union change by the Obama Administration, as they should for everybody else in the 75-year history who has been granted their rights under a National Mediation Board regulation, which has served the industry well, served commerce in the United States of America well, and served transportation well. We should not allow two members of an appointed board to overturn 75 years of history and 75 years of precedent.

I reserve the remainder of my time 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. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, are we at 12:20 p.m., the time where we have 10 minutes divided?

The PRESIDING OFFICER. There is 3 minutes until that appointed time.

Mr. HARKIN. I will take 3 minutes.

First of all, in response to my friend from Georgia—and he is my friend; he is a great guy—this person, Ms. Polaski, Under Secretary of Labor, may have written a letter, but as Under Secretary of Labor she does not work for the National Mediation Board. She does not necessarily have the experience of interpreting its laws or procedures. That is the job of the National Mediation Board itself and of Federal judges, which, I have to remind you, upheld the Board's actions 100 percent in this matter.

Secondly, on the matter of decertification, I strongly disagree with my friend from Georgia. There is a procedure under the National Mediation Board, as under the National Labor Relations Act. If a person wants to get rid of the union under the NMB, they can file a petition, if they can get 50 percent plus one person to show an interest—quite similar to the National Labor Relations Act. If they can get 50 percent, they can file a petition with the NMB. The NMB then has an election. If that person wins, that person is not represented by any union, so the union is gone. There is just a little bit of a difference from the National Labor Relations Act, but the outcome is basically the same.

So there is a way. The Senator is right. I would say my friend is right; it is not a formal decertification. But it is a way of getting rid of the union, one way or the other. It may not be formal decertification, but it is a way that the union can be gotten rid of under the NMB.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, how much time now is remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. HARKIN. Madam President, as an agreement between the Senator from Georgia and myself, we have agreed that since he is the author of this joint resolution, he will close out the debate. I think that is proper.

I will just take a little bit of the remaining time on this side again to reiterate why this resolution of disapproval should be defeated.

No. 1, as has been adequately stated many times, it is time to get rid of antiquated, outdated rules that say if you do not vote, it is counted as a ''no'' vote. That does not make any sense.

Again, this idea that it is in perpetuity—it is not. There are ways for people to get rid of unions under the NMB, as under the NLRB. So it is not in perpetuity at all. It is just, again: How should ballots be counted? Should a person who does not vote be counted as a ''no''? That should not be so.

Even if you accept the argument that it is in perpetuity, why should someone who does not vote be counted as a ''no'' vote? On the judges, we say that every 4 years they are up. That is true; they are not kind of in for perpetuity. But why should someone who does not vote be counted as a ''no'' vote? It does not make sense in any system. I do not care what the length of time is or whether it is in perpetuity or for 2 months or 2 days; those who do not vote should not be counted no or yes, one way or the other.

Secondly, the National Mediation Board went through proper procedures in giving notice and comment in rulemaking. As I said, they published it on November 3 of last year, a detailed explanation of why they were considering it. They had 60 days of comment, 25,000 public comments, a public hearing. Thirty-four members of the public testified.

Well, this is what Federal agencies do. They follow the Administrative Procedures Act in doing this, and that is exactly what the Board did.

So no one was misled. No one was kept out of it. There was no evidence to support any claims that one member somehow was excluded or did not have an opportunity to have input into this process.

Again, I understand why this resolution has come up. I understand that for whatever reason, Delta Air Lines does not wish to be unionized. Well, that is fine. That is their right. But there ought to be a process whereby the workers have a fair, open chance to organize, if they want to. It is not illegal in this country to belong to a union—perfectly legal. The National Mediation Board has set up rules and procedures under which workers who work for Delta or for Northwest—the combined group now—can decide whether they want to have a union. To me, that is the American way.

So why should we now say: Well, no, we want that old rule that if you do not vote, it is counted as a ''no'' vote? That is what this is all about. Stripped to its essence, if you vote for the resolution introduced by my friend from Georgia, what you are saying is, if a person does not vote, it is counted as a ''no'' vote. You are also voting to override the National Mediation Board's decision, which has already been upheld by Federal courts.

But, in essence, that is what it is. If you believe a person who does not vote

should have their vote counted as a ''no'' vote, you probably ought to vote for my friend's resolution. I do not think we should.

I think we should uphold good democratic principles, principles by which, I say, bond issues or other ballot initiatives are always done. You do not count someone if they do not vote. We do not do it here. We do not do it anywhere in this country, and it should not apply here any longer. So I ask for a ''no'' vote on the resolution of disapproval so we can have free, fair, and open elections.

The PRESIDING OFFICER. The Senator has used his time.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I keep hearing the argument that you should not count a ''no'' vote; it is undemocratic. Today, at 2:15, the Senate will vote on a cloture motion, and everyone who does not vote is counted as a ''no'' vote as it requires 60 votes out of 100 to get cloture. So we have to make that point from the outset, No. 1.

No. 2, this is not about being antiunion or against unions or promanagement. This is about a 75-year-old history in the United States of America for the essential service of commerce in terms of railroads and airlines. We have historically had the National Mediation Board rule that required a majority of the people who would be affected in the class rather than just a simple majority of those voting for a very precise reason: because it is a permanent decision, as referenced by the quotes in letters from the Under Secretary of Labor.

While I understand the chairman's remark that the Under Secretary of Labor is just the Under Secretary of Labor, she is the Under Secretary of Labor appointed by the President of the United States.

While the chairman says the courts have ruled in favor of this particular ruling of the National Mediation Board, the Supreme Court has twice said they are wrong. Granted, those were in other cases. But twice the National Mediation Board authority has gone to the U.S. Supreme Court, and twice the U.S. Supreme Court has upheld it.

Even all the way back to 1976, President Jimmy Carter, from the State of Georgia, spoke eloquently about the importance of National Mediation Board rules and what it takes to unionize under that versus the NLRB.

So I appreciate very much the arguments the Senator has made, but the facts are quite clear that it is better for the United States of America, it is better for workers in the transportation industry, and it has been historically upheld by the highest Court in the land that the rules of the National Mediation Board serve the people of the United States of America better than any other alternative that was presented.

So with all due respect, I would quote that letter, once again, from the Delta flight attendant who talked about their 31-year experience. Why would you, in the cause of a merger, have a union request for an election pulled out to give a board enough time to change the rules under which that election would take place? It is not fair.

I wish to also say the 1996 Congressional Review Act is very important. Congress ought to have a say-so in the action of boards of the executive branch. We do have a system of three branches of government. We do have a system of checks and balances. But it has obviously been, apparently—as in this case and in others—that this administration has attempted, where it can, to go around the authority of the Senate in advice and consent, by appointing czars or, in this case, to go around the Senate of the United States by using the National Mediation Board.

I would respectfully submit this is a legitimate question—not of whether you are for a union or against one or prefer management and do not prefer a union—this is a debate about extending a 75-year-old precedent which has served the United States of America well and has been upheld in 12 administrations and by the Supreme Court twice. It has been argued favorably by those 12 administrations every time it has been challenged and by the current administration's documentation, which I submitted, which has shown this is a permanent decision at the National Mediation Board.

I would submit, the right thing for us to do is to join together today and vote yes in favor of the motion to proceed to S.J. Res. 30. I respectfully urge my colleagues to do that.

I yield back the remainder of the time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to proceed to S.J. Res. 30.

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

Alexander	Corker	Isakson
Barrasso	Cornyn	Johanns
Bennett	Crapo	Kyl
Bond	DeMint	LeMieux
Brown (MA)	Ensign	Lincoln
Brownback	Enzi	Lugar
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Gregg	Nelson (NE)
Coburn	Hatch	Pryor
Cochran	Hutchison	Risch
Collins	Inhofe	Roberts
Sessions	Thune	Wicker
Shelby	Vitter	
Snowe	Voinovich	

NAYS—56

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (FL)
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Lieberman	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—1

Murkowski

The motion was rejected.

DISCLOSE ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3628, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is agreed to, and the time until 2:15 p.m. will be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Washington.

TAXPAYER ASSISTANCE ACT OF 2010

Mrs. MURRAY. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4994, taxpayer assistance, and the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of the Baucus substitute amendment, the text of Calendar No. 572, S. 3793, be inserted in lieu thereof; that the substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from South Dakota.

Mr. THUNE. Madam President, reserving the right to object, will the Senator from Washington modify her request to substitute a Thune amendment regarding extenders, the text of which is at the desk?

The PRESIDING OFFICER. Will the Senator from Washington modify her request?

The Senator from Montana.

Mr. BAUCUS. Madam President, I am sorry. I was distracted. Is there a UC request pending before the Senate at this moment?

The PRESIDING OFFICER. There is.

Mr. BAUCUS. Might I ask, who is propounding the unanimous consent request?

The PRESIDING OFFICER. It is offered by the Senator from Washington. The Senator from South Dakota has asked for her to modify this request.

Mr. BAUCUS. I object to the modification.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. THUNE. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I thank the chairman of the Finance Committee, Senator BAUCUS, who has been a true champion in helping us get some critical tax extenders passed. I am deeply disappointed that the Republicans have again objected to us moving forward.

Middle-class families in my home State of Washington are struggling. I have heard from so many of them who have lost their jobs, who have seen their life savings disappear, who told me they were doing everything they can to pay their bills and keep their homes and get their lives back on track. And they are asking for just a little bit of help. So it is for these families and many others across Washington State that I come to the floor today.

Over the last few months, we have tried to pass legislation that would extend critical tax cuts for our middle-class families across the country who are struggling today and need some support. But every time we try to pass this bill, as we just tried to do, Senate Republicans block it. They said no to a commonsense proposal that will cut taxes for innovative companies that expand and create jobs. They just said no to a bill that will help our clean energy companies compete and expand. They said no to our plan to extend the critical sales tax deduction that would put more money into the pockets of families in States such as Washington. They said no despite the fact that these tax cuts are fully paid for.

So, Madam President, I want to focus on a few pieces of this legislation that middle-class families and small businesses in my home State of Washington are counting on us to pass.

First of all, I want to spend a few minutes on one of the tax credits that has just been blocked that is truly a matter of fundamental fairness for families in my home State of Washington. As all of my colleagues know, State and local governments across the country use a number of different tools to raise revenue. Some have income taxes, some use the sales tax, others use a combination of both. Families who pay State and local income taxes have long been able to offset some of what they pay for by receiving a deduction on their Federal taxes. But until 2004, taxpayers didn't have the ability to deduct their State sales tax, which meant families and small businesses in States where that was their main revenue source were paying more than their fair share. That was wrong. Back in 2004, I fought hard, along with Senator CANTWELL and others, to change that provision and finally level the playing field for Washington State.

I am proud to say that change saved families and small businesses in my State hundreds of millions of dollars every year. Unfortunately, however, the State sales tax deduction is due to expire this year. Unless we act—and we were just blocked from doing so—families across my State are going to suffer. They are going to have less money in their pockets, and they are going to have more uncertainty in the Tax Code.

I have heard from a lot of my constituents who have told me they are now holding off making major purchases simply because they are not sure if that tax deduction will be there for them. They are putting off the purchase of cars, of home appliances, and that is hurting our State's business climate, just as our small businesses are struggling to recover.

So this is not just about removing a bias in the Tax Code that is fundamentally unfair to States such as mine, it is also about encouraging spending and boosting our economy, helping our small business owners, and providing some long-awaited certainty so taxpayers in my State can plan for their financial future. In other words, it is about helping middle-class families and supporting Main Street businesses.

I also want to talk about another tax credit that just got blocked. I recently visited a clean energy company in Seattle, WA, called Propel Fuels. This business has been fighting to market domestically produced—domestically produced, right here—low-carbon biodiesel, but they depend on a critical biofuels tax that expired. The bill I just attempted to pass—blocked by Republicans—would extend that critical provision.

Propel Fuels represents the future of our economy. They are the kind of company that will help make sure our country remains at the forefront of innovation and growth. It is a company working to drive our economy forward and create new 21st-century careers. But they can't do it alone. After years and years of subsidies and tax breaks for the oil industry, companies such as Propel Fuels depend on the clean energy tax credits in this bill to be able to compete on a level playing field. These credits support companies that are working on new, innovative, and renewable energy sources, and they will help them continue their work to unshackle this economy, tap the creative energy of our workers, and create good, high-paying jobs in my home State of Washington and across the entire country.

This is exactly what our economy needs right now—jobs right away and a strong investment for the future. That is why it is so important the biodiesel tax credit be extended, along with the R&D tax credit and other tax cut extensions that are in the bill I just offered to move and which was blocked, once again, by Republicans. These companies want to expand, they want to create jobs, and they were just told no.

This should not be a partisan issue. It is common sense. We put together a bill that would extend tax credits to individuals and to small businesses—tax credits that have been supported in the past by Democrats and Republicans alike. It is a bill that will provide incentives for clean energy companies to expand and create jobs, and we need that badly now. It would allow families in my home State of Washington to deduct their local sales tax from their Federal returns, and that would support companies that are innovative and creative and helping our economy get back on track.

It is fully paid for, as this country has told us we must do. It is responsible, and it is the right thing to do.

In my home State of Washington, families are hurting. Many of them are fighting every day just to stay on their feet. This bill isn't going to solve every problem overnight, but it will put money back in their pockets and help our local businesses expand and create jobs so we have hope for the future. It pays for those tax-cut extensions responsibly by closing corporate loopholes.

So Senate Republicans have again opposed this, as they have in the past, and the question is, Are they going to stand with middle-class families and innovative businesses such as Propel Fuels to cut their taxes; or are they going to continue to stand with large corporations to protect their unfair tax loopholes?

Mr. President, I hope Senate Republicans have a moment to pause and think about the impact they are having on jobs and families—middle-class families and businesses that are trying to create new jobs and expand for the future. I hope they remind themselves before we head home this is good politics. It is good politics to help our families and our small businesses. It is good politics to help our clean energy companies.

Right now, when our economy is trying to recover, we should not go home without extending these tax cuts, and I am going to keep working to stand up for our middle-class families and our

Main Street businesses and keep working to try and pass this bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, we have had a lot of conversation about the DISCLOSE Act. I am a member, indeed the ranking member, of the Rules Committee where the DISCLOSE Act, if it had been referred to committee, would have come for consideration. Unfortunately, the DISCLOSE Act was not referred to committee. We in the committee have had no opportunity to amend it, no opportunity to hold hearings on it, no opportunity to hear from witnesses who may have differing opinions from the version that passed the House. It has been brought to the floor in such a manner that the committee has simply been bypassed.

For that reason, therefore, any objections we might have with respect to the way the bill is currently worded have to be raised on the floor. Any concerns we have as to the inequities in the bill have to be raised on the floor. It has made the whole thing more contentious than it needs to be.

The DISCLOSE Act, by name, suggests that all it is is disclosure. It doesn't address any other issue than how people who are going to exercise their rights under the first amendment do so, the specifics of how they do that, and the specifics of who is behind the advertising that takes place in accordance with the decision of the Supreme Court. I pointed out in the past and repeat as a reference that prior to the Supreme Court's decision, it was possible for Michael Moore to produce a movie that would attack George W. Bush and be completely acceptable, completely legal. But it was not possible for the people who formed Citizens United to produce a movie that attacks Hillary Clinton and have that be legal. The difference was Michael Moore was acting as an individual. These people were acting collectively. Because they chose the corporate form of organization for their collective action, the previous law said: You cannot do this.

The Supreme Court ruled—I think accurately—that if Michael Moore has a right to make a movie, so does Citizens United. If Michael Moore has a right to attack George W. Bush, Citizens United has the right to attack Hillary Clinton. I frankly think Michael Moore's movie probably had more to do with moving votes than the Citizens United movie did.

But be that as it may, neither one of them seems to have had that much impact on the body politic.

But that is not the point. The point is, the Supreme Court ruled freedom of speech means freedom of speech, and if it is OK for one movie to be made under one set of circumstances, it is equally OK for another movie to be made under a slightly different set of circumstances.

There are those who say: No, no, no; this opens up the world for corporations to fund advertisements to distort and destroy and affect our elections.

I have several reactions to that; the first one being, I have seen political ads that have been funded by rich individuals through the mechanism of a 527. If I were on the other side of the issue—and, indeed, in many cases I was—I would like to keep those ads running because the individuals who put up the money for the ads did not know how to write an effective ad. They were exercising their freedom of speech, but they were doing it in an amateurish kind of way, and under current law—and the Supreme Court decision did not change this—they could not give the money to the political parties that know what they are doing. They had to express themselves on their own, and many of them did not know how to do that very well.

So all of this excitement about the airwaves are going to be flooded with tremendously persuasive advertisements from national corporations that are going to distort our political process is making some assumptions about the voters that I think are not true. They are making assumptions about the ability of a corporation to enter this field and do something very dramatic that I think is not true.

But missing from this discourse about how terrible it is going to be if corporations start doing this—and we are not seeing any signs of how terrible this is happening in the real world—is any mention of another group that received exactly the same kind of green light from the Supreme Court as corporations did, another group that is barred by the same law that says corporations cannot contribute directly to a political party that will benefit enormously, and a group that has demonstrated it has the capacity to create a political advertisement that is effective.

I am talking about unions. Unions have the same kind of freedom that corporations have under this decision from the Supreme Court. Unions can now spend money speaking freely about candidates and using their names in ways that presumably they could not have done before.

Are we going to assume that the Supreme Court decision is going to unleash a flood of millions and millions of dollars of corporate money, but that the unions are going to sit quietly on the sidelines with their hands folded across their chests doing nothing?

If, indeed, there is going to be an avalanche of political spending coming as a result of this decision, I guarantee it is going to come from the unions every bit as much as it is going to come from the corporations. Indeed, it is my expectation it will come far more from the unions than it will come from the corporations.

Think about the big corporations in America. How do most of them make their money? They make their money by selling products to the American people, and they are good at advertisements to sell products. If I were on the board of one of these major corporations, and someone came to me and said: All right, we want to spend corporate money to put together an ad or put together a movie or put together any kind of political speech and put our corporate name on it, I would say: Now, wait a minute. Are you sure you want to run the risk of offending the customers of our product who may not agree with our political position? Let's be a little careful about this.

I think there are going to be some very circumspect conversations in the boardrooms of America's largest corporations before they come rushing in to the political arena in the fashion our friends across the aisle are predicting.

On the other hand, do the unions care? Do the unions feel it will damage their public image if they are seen advertising with tremendous expenditures under the decision the Supreme Court handed down? No. They do not worry about selling products to the American people. They exist in many instances primarily because of favors they received from the government. For those who talk about the DISCLOSE Act, saying this will open the floodgates for corporations and never mentioning unions is to demonstrate they are ignoring what the situation really is.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I would be honored.

Mr. MCCONNELL. If I recall correctly, this is not the first election under which independent groups have been extraordinarily active in advertising in political campaigns. In fact, I recall quite precisely that independent groups aligned with the other side of the aisle, according to those who keep the statistics on this, spent twice as much in 2006 and a similar amount in 2008 as outside groups that might be typically aligned with Senators such as Bennett and McConnell. Where was the outrage a couple cycles ago?

I would ask my friend, did Citizens United in any serious way change the landscape, in any event?

Mr. BENNETT. I thank the leader for his question, and the leader's recollection is entirely correct. I remember when we passed the Campaign Finance Act we were told this will get big money out of politics. I remember the first elections fought after the passage of that bill saw the greatest amount of spending we have ever seen in American history, and the amount of spending has only gone up.

All we did—and I am quoting from the minority leader's own comments at the time in the debate—all we did was

redirect how the money was going to go. In my view, all the Supreme Court did in their decision was to be fair in saying if a group gets together and organizes themselves, as Citizens United, they have exactly the same right to speak as Michael Moore had. If he makes a movie, they could make a movie. The Supreme Court said both movies are legitimate. I do not think we are going to see any kind of the consequences of the sort we have heard.

Mr. President, I recognize the leader is on the Senate floor, and I will yield the floor so he might continue whatever it is he has to say on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before the leader speaks, may I pose a question? What is the status of time in terms of the minority and the majority on this issue?

The PRESIDING OFFICER. The majority is out of time, and the minority has retained just under 8 minutes.

Mr. SCHUMER. Mr. President, I would ask unanimous consent that the leader be allowed to speak for as long as he chooses and that I be given 5 minutes after that to conclude for the majority, and the vote be delayed until after that.

Mr. MCCONNELL. Mr. President, if I may, I do not need the Senator from New York to intervene. I am happy to use my leader time, which may be the solution to the time problem.

Mr. SCHUMER. That would be fine with me, if that works. Does that still——

Mr. MCCONNELL. Mr. President, I am going to proceed under my leader time, and then Senator SCHUMER can ask his consent if it is necessary. He may have enough time to close.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, for the past 2 days, Democratic leaders have demonstrated once again their total lack of interest in the priorities of the American people.

At a time of near double-digit unemployment and skyrocketing debt, Americans would like to see us focus on jobs and the economy. Yet for the past 2 days, Senate Democrats have forced us to return once again to a debate we have already had on a bill the Senate has already rejected—a bill that focuses not on creating jobs for the American people but with saving the jobs of Democratic politicians in Washington.

That is what this debate is about. Our friends on the other side would have the public believe this bill is about transparency. It is not. Here is a bill that was drafted behind closed doors, without hearings, without testimony, and without any markups—a bill that picks and chooses who gets the right to engage in the political process and who does not; a bill that seeks, in other words, to achieve an unlevel playing field; a bill that is back on the floor for no other reason than the fact that our friends on the other side have declared this week ''politics only'' week in the Senate.

The only thing transparent here is the effort this exercise represents to secure an electoral advantage for the Democrats. So this is a completely distasteful exercise.

At a time when Americans are clamoring for us to do something about the economy, Democrats are not only turning a deaf ear, they are spending 2 full days working to silence the voices of even more people with a bill that picks and chooses who has a full right to political speech.

Let's face it, what our friends on the other side want is what they have always seemed to want: more government control. They want the government to pick and choose who gets to speak in elections, and how much they speak. That is why they are also pressing at the same time for taxpayer-funded elections—something the assistant majority leader called for once again just yesterday.

So Democrats have spent the past year and a half taking over banks, car companies, insurance companies, the student loan business—you name it—and now they want the taxpayers to foot the bill for their campaign ads as well.

Earlier today, the House Committee on House Administration marked up a bill that would stick taxpayers with a bill for House elections nationwide. Think of that: taxpayer money for attack ads, for buttons, for balloons and bumper stickers.

Have they no shame? Have they no shame? Our cumulative debt now the size of our economy, and they want to spend tax dollars on political campaigns.

I mean, even if they do not agree with the principled arguments against this kind of an effort, I would submit that in a time of exploding deficits and record debt the last thing the American people want right now is to provide what amounts to welfare for politicians.

Think about it. One recent estimate puts the annual cost to taxpayers of funding every Federal election at about $1.8 billion each year. That is $1.8 billion more that taxpayers would have to shell out than they already are. For what? For what? For politicians to throw campaign events and run ads that taxpayers may not even agree with or which they find downright outrageous.

One of the groups that supports this scheme calls it ''an incredibly good deal for taxpayers.'' Well, I strongly suspect that most taxpayers would not share that view. Americans want us to stop the wasteful spending. Another $1.8 billion on balloons and bunting is not their idea of a step in the right direction.

So why are Democrats doing this? Why are they proposing taxpayer financing of political campaigns and the DISCLOSE Act right now, at a time when Americans want them to focus on jobs and the economy?

I think it is pretty obvious. This is pure politics—pure.

After spending the past year and a half enacting policies Americans do not like, Democrats want to prevent their opponents from being able to criticize what they have done. After spending a year and a half enacting policies the American people do not like, they want to silence the voices of critics of what they have done. They want to prevent their critics from speaking out.

So here we are, 2 days debating this partisan, political, dead end bill that does not do one thing to help the economy, reduce the deficit, or create a single job.

Americans deserve a lot better. Americans are speaking out. But focusing on this bill shows that Democrats in Washington still are not listening. So, once again, I will be voting no on this legislation, and I encourage my colleagues to do the same.

I yield the floor.

Mr. LEVIN. Mr. President, the Senate once again has an opportunity to defend the public's confidence in our democratic system. In July, we missed this opportunity by failing to approve a motion to proceed to the DISCLOSE Act, a vital step in preserving the transparency and integrity of our elections. I urge my colleagues not to repeat that mistake. We should take up, debate, and pass the DISCLOSE Act.

Nearly a year ago, the Supreme Court discarded decades of precedent and concern for the health of our democracy when it decided on a 5–4 vote to eliminate regulations on corporate expenditures on elections. I strongly disagreed with that decision, but it is now the law of the land, and we are left with the task of trying to preserve the ability of individual Americans to be heard in a political process that could be swamped by a flood of corporate money.

The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections. I am an original cosponsor of the act because I believe it is essential to protect public confidence in the integrity of our elections.

By establishing these requirements, we will not prevent corporations from engaging in the activities the Supreme Court has allowed. We are simply giving Americans the ability to see how these companies, unions and other groups are seeking to influence the political process. This should not be an issue of Republicans and Democrats.

We should all agree that our democracy is best served when its election campaigns are conducted transparently.

The American people are depending on us to defend the integrity of the political process. We should not fail to uphold that responsibility. I urge my colleagues to debate and adopt adopt this vital legislation.

Mr. FEINGOLD. Mr. President, I strongly support the DISCLOSE Act and I believe the Senate should be allowed to consider it. I am pleased to see this bill get such strong support from my colleagues on the Democratic side, and I urge my Republican colleagues to think long and hard before again blocking it even from coming to the floor. I have a long history of bipartisan work on campaign finance issues. I am not interested in campaign finance legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators from both parties.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that the Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We don't agree with the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In Citizens United, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

"[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are ''in the pocket'' of so-called moneyed interests.

The Court also explained that disclosure is very much consistent with free speech:

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the McConnell v. FEC decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. For years, opponents of campaign finance reform have argued that all that is needed is disclosure. Well, in a very short time we will find out whether they were serious, because that is what this bill is all about.

If the Senate is allowed to proceed to the bill, there will be time to discuss its provisions in more detail, and perhaps to amend them. One amendment that obviously will need to be made is to the effective date. Any bill that passes at this point is not going to apply to the upcoming election, and we should amend the bill to make it applicable only to elections beginning in 2012. But I do want to comment on one provision that has caused controversy, which was added in the House—the exception for large, longstanding groups, including the National Rifle Association.

I am not a fan of exceptions to legislation of this kind. I would prefer a bill, like the one we introduced, that does not contain this exception. But the fact is that the kinds of groups that are covered by the exception are not the kinds of groups that this bill is mostly aimed at. Knowing the identity of individual large donors to the NRA when it runs its ads is not providing much useful information to the public. Everyone knows who the NRA is and what it stands for. You may like or dislike this group's message, but you don't need to know who its donors are to evaluate that message.

The same cannot be said about new organizations that are forming as we speak to collect corporate donations and run attack ads against candidates. One example is a new group called American Crossroads. It has apparently pledged to raise $50 million to run ads in the upcoming election. Can any of my colleagues tell me what this group is and what it stands for? Don't the American people have a right to know that, and wouldn't the identity of the funders provide useful information about the group's agenda and what it hopes to accomplish by pumping so much money into elections? Even Citizens United, the group that brought the case that has led us to this point, is not known to most people. Why shouldn't the American people know who has bankrolled that group, if it is going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the Citizens United decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, ''you can't have your cake and eat it too.''

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to support the motion for reconsideration and vote for cloture on the motion to proceed.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first I would simply note that the bill before us has nothing to do with public financing of campaigns; it simply has to do with disclosure.

I rise today in support of DISCLOSE, the Democracy Is Strengthened by Casting Light on Spending in Elections Act, and I urge my colleagues to support this bill.

This bill is in direct response to Citizens United v. FEC in which the Supreme Court, led by Chief Justice Roberts and its activist majority, overruled almost a century of law and precedent and held that corporations have the same first amendment rights as people. As I have said before, because of this decision, the winner of every upcoming election won't be Democrats or Republicans; it will be special interests. And it will come at the expense of the voice of the ordinary American. The Court's decision lifted well-established restrictions on corporate and union spending in elections. This created a loophole in which these entities can now create anonymous groups to serve as a conduit to anonymously funnel money. The intent is to deceive the public and hide the real motives of those spending on these ads.

We have worked within the contours of the Court's decision in order to draft the DISCLOSE Act.

I ask those who support sunlight in campaign spending to work with us to pass this bill.

You think we are using this bill as a political tool to influence elections? OK. We will change the effective date to January 2011 so it won't apply to this November's election. We will welcome this change and encourage Republican amendments and debate on this bill because it is essential to the health of our democracy. We are also willing to consider paring the bill down, per the suggestion of my colleague, Senator SNOWE, in her statement, and limiting it to the core provisions regarding enhanced disclosures and disclaimers.

Both disclosure and disclaimer were proclaimed to be constitutional and effective ways to regulate corporate and union spending by eight of the nine Justices in Citizens United and were upheld in a later decision, Doe v. Reed. The Court specifically stated that disclosure requirements ''do not prevent anyone from speaking''—do not prevent anyone from speaking—and found that there was strong governmental interest in ''providing the electorate with information about the sources of election-related funding.'' The Court also concluded that ''disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way'' and to ''give proper weight to different speakers and messages.'' To be clear, disclosure does not chill speech. We do not want to chill speech. We merely want the American public to have details about who is speaking. These disclosure and disclaimer provisions allow the American public to know exactly who is bankrolling campaign advertisements. The American public deserves nothing less.

I would note that a strong majority of the American public—Democrats, Republicans, and Independents—disapproved of the Supreme Court's opinion in Citizens United and support disclosure and disclaimer provisions.

In removing the restrictions on corporate and union campaign spending, the Citizens United decision has opened a door for the creation of shadow groups whose spending is not clearly regulated. Neither the IRS, which has jurisdiction for nonprofits, nor the FEC provides oversight for these groups. That is a scary thought. In fact, one such group, American Crossroads, the leader in campaign spending in the Senate, was created by Karl Rove, who pledged to spend $50 million on just the 2010 election cycle. In fact, since our last vote on this issue, it has been reported that these shadow groups have raised $20 million.

A former Republican FEC Commissioner, Michael Toner, stated on the front page of the New York Times this week that, from his personal experience, ''the money is flowing.'' It is clear to us that the money is flowing; we just aren't permitted to know from whom it is coming. It is clear that this money isn't coming from the average voter. These groups are created, funded with secret donations, and then they disappear just as quickly as they appeared, all with no real disclosure. They are not created to be a voice of the people. It has been reported that the vast majority of American Crossroads funding is from four billionaires. Why are we letting the voice of these four people drown out the rest of America? This is outrageous.

In conclusion, the American people deserve to know what each and every one of us in this Chamber truly believes. Are we for openness, transparency, and giving the voters information they need to make their choices in the voting booth or do we really believe, despite our rhetoric, that it is OK for special interests to spend freely on all kinds of political advertising but keep the voters in the dark about who is paying for it?

The Supreme Court's decision this year has made it imperative for us to act now.

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—59

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—39

Alexander	Cornyn	LeMieux
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker

NOT VOTING—2

Hutchison	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion on reconsideration is rejected.

The Senator from North Dakota is recognized.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DORGAN. Mr. President, I am going to propound a unanimous consent request that will extend FAA authority until December 31 of this year. This is another extension. We have had extension after extension of the FAA Reauthorization Act, which expires, so we extend it.

Let me in 1 minute say we have worked on a bill that would reauthorize the FAA. It has many component parts dealing with safety and other issues. It deals with the modernization of our entire air traffic control system. The Europeans are going full steam, and we need to work on this for a wide range of reasons: safety in the skies, better environment, more direct flying routes, less time in the air, and a whole series of things. Yet this piece of legislation that represents the investment in airport infrastructure, modernization of our air traffic control system, and so many other things is continuing to be blocked, and it is a profound disappointment to me.

Senator ROCKEFELLER and I and Senator KAY BAILEY HUTCHISON and others have worked to write this legislation. It is bipartisan. It passed through the Commerce Committee, passed through

the full Senate, and now we are trying to negotiate an agreement with the House. Someone said to me as I came in today, I understand FAA reauthorization is dead for this session. I said: That is not the case. Senator ROCKEFELLER and I remain hopeful that between now and the end of the year we will be able to solve those remaining few points and get this done. It is critically important—very important—that we get this done.

So I make this unanimous consent request with the understanding that I am continuing to work on it, as is Senator ROCKEFELLER and Senator HUTCHISON and many others to try to get the FAA reauthorization bill done through the House and the Senate and get it resolved.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, H.R. 4853.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4656) was agreed to, as follows:

(Purpose: To extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes)

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part III''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) $2,451,375,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $746,250,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following:

''(15) $49,593,750 for the 3-month period beginning on October 1, 2010.''.

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat.2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4853), as amended, was read the third time, and passed.

MORNING BUSINESS

Mr. DORGAN. 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.

The Senator from South Dakota is recognized for 10 minutes.

FAA REAUTHORIZATION AND TAX EXTENDERS

Mr. THUNE. Mr. President, I also want to add my support for the FAA

reauthorization bill which the Senator from North Dakota talked about. It is important that we get this done. We have been operating without an authorization since 2007. We had a bill pass through the Senate by a vote of 93 to 0 back in March, and this is something that needs to be done.

So I hope we can get floor time scheduled for this and that we can get on that bill, get a conference report, and get it through and enacted because there are a number of important improvements that need to occur, and that legislation provides for that to happen. It has been kicking around here for way too long, so I hope we can get to that bill and quit having to do these month-to-month or—in this case, as it ends up being—the end-of-the-year extensions, which keeps us from doing what we need to do, and that is get a long-term reauthorization in place that provides some certainty and predictability for the users of aviation in this country.

Mr. BAUCUS. Mr. President, might I ask, through the Chair, that the Senator yield for a question?

Mr. THUNE. I would be happy to yield to the Senator.

Mr. BAUCUS. I wanted to ask him—because we have to ask questions around here—isn't it a good idea for us to have more permanence and not pass so many short-term extensions in Congress, just as a general principle?

Mr. THUNE. I would say to the Senator, through the Chair, one of the things I think is hurting business and economic development in this country is a lack of certainty.

Mr. BAUCUS. Is the Senator aware, if my calculation is correct, that there are about 130 extenders that we have to extend at the end of every calendar year—approximately 130? Did the Senator know the number is that great?

Mr. THUNE. I didn't know the precise number, Mr. President. I will say to my colleague from Montana if it is not, in fact, 130—and I will take his word for that—I know it is a lot. There are lots of provisions in law that need to be extended and lots of communities in this country that depend on that.

Mr. BAUCUS. One final question: Does the Senator agree it is about time this Congress does something about that; that we pass fewer extenders and more laws that are a little more permanent?

Mr. THUNE. I would say, through the Chair, to my colleague, I think it is important that this Senate act in a way that provides some certainty and predictability for people in this country who depend upon public policy coming out of here that has some permanence to it. Right now, we continue to act on short-term extensions in so many different areas. So I don't dispute at all the statement of the Senator from Montana.

Mr. BAUCUS. I thank my good friend from South Dakota for mentioning that.

Mr. THUNE. If I might continue, Mr. President, let me just say with regard to the observations of the Senator from Montana that I couldn't agree more that we need to get these things done, and we need to provide some long-term certainty for those in this country who rely upon decisions that come out of the Congress. I know the Senator from Montana has offered an extenders bill that would provide at least some near-term relief for many of these provisions of law that expire and that impact so many across this country.

I would say through the Chair to my colleague from Montana that I agree with his premise. I think it comes down to how we go about doing that. The Senator from Montana has offered up a proposal that would extend many of these expiring tax provisions, but he does it in a way that raises taxes. I have a proposal I offered earlier in response to the majority leader's unanimous consent request to move a tax extenders bill that would substitute my bill for that one because my bill does all the same things the Senator from Montana wants to accomplish. But it does it with spending reductions—reducing spending—as opposed to raising taxes.

There are a number of things my bill would do, one of which is to extend the $215 million tax break for teachers to purchase books, supplies, computer equipment, and other materials for the classroom.

It also includes the biodiesel tax credit, which supports our Nation's budding biodiesel industry. It provides $854 million in tax relief for these biodiesel manufacturers to invest in our clean energy future.

The bill reinstates the State and local sales tax deduction, which provides $1.8 billion in tax relief to residents of States such as South Dakota who pay State and local sales taxes but are not allowed to deduct these taxes from their Federal income taxes. It also allows for the deduction of State and local property taxes, which saves taxpayers $1.5 billion as well.

My bill reinstates the research and development tax credit, which the President has supported for 2010. This important tax credit incentivizes important research and development across the country.

It also provides a number of needed tax credits for businesses to invest and create jobs, including refundable AMT credits for corporations, and it provides a generous doc fix. One of the things we talk about around here is the doc fix. On the doc fix, we continue to go month to month or quarter to quarter. Now we are good to the end of November. But at the end of November we are going to be dealing with this issue again. If we do not, physicians across the country are going to experience a significant and dramatic pay reduction, which will impair their ability to serve patients across this country who depend upon Medicare.

My doc fix provides a 2-percent increase for 2011 and another 2-percent increase for 2012. The current doc fix, as I said, is set to expire later this year, on November 30.

The way I do this is I fully offset this by spending cuts, including medical malpractice reform, a freeze on Federal salaries, reductions in wasteful, duplicative, and excessive government spending, rescinding unspent Federal funds including the stimulus, an expansion of the affordability exception to the individual mandate that was included in the recently passed health care reform bill and by disposing of unused and unneeded Federal property.

I also add in my proposal a new deficit reduction trust fund, where rescinded balances and money saved through this amendment will be deposited for the purposes of paying down the Federal debt. It does not include job-killing tax hikes on carried interest income, which would discourage investment and hurt our Nation's productivity, and does not include a 70-cent-per-barrel increase, a tax hike on oil, nor does it double count the revenues from that tax by saying it both offsets the cost to the bill and also adds money to the Oil Spill Liability Trust Fund.

I concur entirely with the premise the Senator from Montana was addressing, that we need to get these things extended. We need to provide some permanence. But there is a difference in the approach on how we deal with that. The Senator from Montana proposed one way, I proposed another. I obviously would love to get a vote on this proposal because I think what we ought to be focused on right now, rather than raising taxes at a time when we have a very fragile economy in an economic downturn and making it more difficult for businesses to create jobs, that we ought to be looking at what we can do to reduce spending in our Federal budget and offset the cost of these extenders and pay for this 2-year extension of the doc fix, which also provides for a modest increase, not the significant reduction they are going to experience otherwise. We do this through spending reductions in the Federal budget. I hope we get an opportunity to vote on this.

I yield my time.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from South Dakota. I hope we can find some reasonable accommodation, some compromise. There are 100 Senators here. Each has his or her own view as to what the right solution should be. Without sounding too trite and corny, we are a democracy, we have to live together. I hope we could find a way to get these provisions extended in a way with give and take, back and forth. Clearly, if I bring up a bill and it is my way, it is not going to pass. With all due respect to my friend from South Dakota, if he brings up his bill his way, it is not going to pass. The only way to get something to help the people whom we are here to represent is to find a

compromise, working together in accommodation. I know the Senator looks forward to that. I hope we can achieve that result.

Mr. THUNE. Mr. President, if the Senator will yield, I say in response to that, that is absolutely true. Around here I think, traditionally, tax extenders have been something both sides have worked on. Generally, it tends to be kind of noncontroversial. I think our side is very open to discussions and would welcome an opportunity to sit down with the majority and the Senator from Montana and others, whoever they feel necessary, to work something out. We stand ready and willing to have that discussion and hopefully to get this thing put behind us.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I would add a final point to these remarks; that is, the approach I take. As chairman of the Finance Committee, I try not to bring up these extenders bills until they have been worked out. With sufficient work on both sides, I believe that leaves at least 60 votes available, and I hope we can achieve a result quickly.

HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, today marks 6 months since Congress enacted the new health care reform law.

Americans have reason to celebrate.

The new law put America on the road to a more sustainable consumer-friendly health care system.

The new law put America on the road to a healthcare system in which all Americans have access to quality, affordable health insurance.

And the new law put America on the road to a health care system in which patients and their doctors—not insurance companies—control patient care.

These transformative changes will not happen overnight. But we heard the distressed cries from American families and businesses for immediate relief from insurer abuses. Congress included in the new health reform law many consumer protection provisions that take effect today, September 23, 2010.

These provisions—a new Patient's Bill of Rights—put an end to some of the worst insurance company abuses. The new law puts consumers in control of their health care decisions. And the new law extends important new coverage benefits under insurance plans.

Starting today plans cannot discriminate against children with preexisting conditions. No longer will insurance companies be able to deny tens of thousands of families insurance each year for their children because of a preexisting condition.

Starting today insurance companies are banned from canceling your coverage due to an unintentional mistake on your application. No longer will insurance companies be allowed to arbitrarily drop your coverage when you get sick and need it the most.

Starting today insurance companies can no longer place lifetime or restrictive annual limits on coverage. No longer will families need to worry that their coverage will run out when they need it the most.

Starting today when you purchase or join a new insurance plan, you have the right to choose your own doctor in your network. No longer will insurance companies be able to arbitrarily decide which doctor you have to see.

Starting today, if you purchase or join a new insurance policy, you will be guaranteed the right to appeal insurance company decisions to an independent third party. No longer will consumers find themselves with nowhere to turn when insurers deny them coverage or restrict their treatment.

Starting today, providers and suppliers—that is doctors and medical equipment manufacturers—who fail a fraud screening will be denied eligibility for payments under government programs like Medicare and Medicaid. No longer will providers and suppliers be able to defraud the government and taxpayers instead of provide quality health care.

There is more. Starting today, young adults will be allowed to remain on their parents' plan until their 26th birthday, unless they are offered coverage at work. No longer will young adults be without affordable coverage options. Now they will have choices to transition them into their adult lives and protect them from financial ruin.

And starting today, if you purchase or join a new insurance plan, you will be able to receive free recommended preventive care. No longer will Americans have to forgo valuable preventive care until it is too late.

All of the benefits that begin today are in addition to the benefits that families and businesses already enjoy as a result of the new health reform law.

Already because of the new law, across the Nation, federally subsidized preexisting condition insurance plans are available for Americans with preexisting conditions who have been denied coverage by insurance companies.

Already because of the new law up to 4,000 small businesses are eligible for tax credits this year if they provide health insurance for their employees.

Already because of the new law, more than 2,000 businesses have qualified to receive reimbursement for the retiree coverage that they provide.

And already because of the new law, more than a million seniors have received rebate checks to reduce their prescription drug out-of-pocket costs in the donut hole.

Today, with this 6-month mark, we pass a key milestone on our road to providing quality, affordable health care to all Americans.

This milestone is just one of many along the road. But this milestone is one that signals an end to the insurance companies' worst abuses. This milestone signals the beginning to patient-controlled health care, and that is something to celebrate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LUMBEE RECOGNITION ACT

Mrs. HAGAN. Mr. President, I come to the floor today to discuss an issue that is vitally important to North Carolina's economy, and to the heritage and cultural identity of more than 40,000 Americans. I urge my colleagues to join me in supporting the Lumbee Recognition Act.

The Lumbee Indians are among the earliest North Carolinians. They descended from the coastal tribes of North Carolina and lived along the Lumber River before our Nation was founded.

During that time, the Lumbee have maintained a distinct community in what is now Robeson County, NC, with more than 40,000 current members in and around the county seat of Lumberton.

Tribe members have worked diligently throughout the generations to sustain a strong tribal society.

Each and every Lumbee can trace his or her ancestry to the tribe's base roll, which is comprised of school and church records and early 20th-century census data. This common ancestry has bound the tribe for generations and established the Lumbee as a longstanding, distinct community in southeastern North Carolina.

Nearly two-thirds of the tribe live within 15 miles of the city of Pembroke, where they start families and businesses, run for tribal office, and attend the annual Fourth of July parade.

The Lumbee fought alongside the American Colonists during the Revolutionary War, and helped shape North Carolina's history.

But because the tribe lacked a formal treaty relationship with the new United States, the tribe has worked for over 120 years to win the recognition that they so clearly deserve.

As has been noted by the Senate Indian Affairs Committee, ''The Lumbees have a longstanding history of functioning like an Indian tribe and being recognized as such by State and local authorities. Since 1885, the Lumbees have maintained an active political relationship with the State of North Carolina.''

The State officially recognized the tribe in 1885, and established a separate school system for Lumbee children.

With initial enrollment limited to children who could demonstrate at least four generations of Lumbee descent, this autonomous school system has remained in place for over 100 years.

And in the late 1800s, the State of North Carolina established the Indian Normal School to train Lumbee teachers for the tribe's school system. This school has been in continuous operation since that time and has grown into the University of North Carolina at Pembroke.

The university is obviously now open to enrollment for all Americans, but continues to serve as an anchor of the Lumbee community.

Despite generations of uninterrupted self-governing, the Lumbee still have not received full recognition by the Federal Government.

Instead, Congress in 1956 enacted the Lumbee Act, which simultaneously recognized the tribe, but denied tribal members access to Federal services.

The Lumbee Recognition Act, which I have introduced with my colleague from North Carolina, Senator BURR, would rectify this longstanding inequity, and provide the Lumbee with the full recognition that they so clearly deserve.

Beyond simple fairness, the issue of Lumbee recognition is critically important to the North Carolina economy, and to counties and communities that have been hardest hit by the recent economic downturn.

Because the 1956 Lumbee Act forbade the Lumbee from pursuing the Federal resources available to every other recognized tribe in the country, the tribe does not have access to critical services through the Bureau of Indian Affairs and Indian Health Service.

The Harvard School of Public Health has found that residents of Robeson County have a lower average life expectancy due to persistent poverty and limited access to affordable health care. Our bill will enable the Lumbee to combat these trends through sustained economic development and quality health services.

It will allow members of the Lumbee tribe to access critical programs through Indian Health Services, and will help treat and prevent chronic illnesses that negatively affect the quality of life in the region.

With a healthier population, and access to Federal programs, the tribe can focus on economic development. Robeson County has an unemployment rate above 12 percent, and the surrounding counties of Scotland, Hoke, Cumberland, Bladen, and Columbia continue to experience unemployment rates that are among the highest in North Carolina.

Economic development programs through the Bureau of Indian Affairs will allow the tribe to create jobs where they are needed most, and will support a true economic recovery in this distressed region.

The Lumbee Recognition Act was introduced in the House by my North Carolina colleague, Congressman MIKE MCINTYRE, who has been a tireless champion for the Lumbee since coming to Congress.

Due largely to Congressman MCINTYRE's efforts, the House has passed the Lumbee Recognition Act with a strong bipartisan majority twice in the last 3 years.

Here in the Senate, the bill has been approved by the Indian Affairs Committee, and now awaits consideration on the Senate floor.

Some have also argued that the cost of providing BIA and Indian Health services to the Lumbee will be too high, and that Lumbee recognition will draw down funds that are currently going to other tribes. I certainly understand these concerns.

But, I want to be clear, the Lumbee do not want recognition on the backs of other tribes, and this bill will not increase the Federal deficit. This bill simply ensures that the Lumbee are eligible for the same services as their peers. Funding for these services will be subject to future appropriations, and the Lumbee will not dilute support for tribes that currently receive Federal resources.

I want to stress again that this effort is about one thing, providing the recognition that the Lumbee need to improve their quality of life and create jobs in their community.

The tribe is not seeking Federal gaming rights, and, in fact, this legislation explicitly denies the tribe's ability to operate casinos.

Some have also argued that the Lumbee do not need Federal recognition because they can apply for acknowledgement through the Bureau of Indian Affairs administrative process. But let me be clear about this: the Lumbees have been prohibited from being considered by this process.

This is because the Lumbee were unfortunate enough to win partial recognition during a time when the BIA was actively working to terminate longstanding relationships with tribes and roll back Federal services for Native Americans across the country.

The 1956 Lumbee Act expressly precludes the tribe from pursuing Federal acknowledgment through the Bureau of Indian Affairs administrative process. Thus, while the Lumbee were identified in Federal legislation as a tribe more than 50 years ago, existing law strictly limits the group's ability to access vital services otherwise available to a federally designated tribe.

As the Senate Indian Affairs Committee has noted, Congress placed only one other Indian tribe in a similar position. In 1965, the Tiwa Indians of Texas won recognition in Congress, but were prohibited from pursuing BIA and other Federal services.

Congress recognized this problem, and in 1987 passed legislation granting full recognition to the tribe. This has left the Lumbee as the only tribe in America that is at once recognized by the Federal Government and forbidden from accessing critical programs that are available to every other tribe in the country.

The administration has recognized this basic inequity, and at a House hearing on the bill last year, George Skibine, Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs, testified that, ''There are rare circumstances when Congress should intervene and recognize a tribal group, and the case of the Lumbee Indians is one such rare case.''

I could not agree more. I urge my colleagues to pass this important legislation with no further delay.

Lumbee Chairman Purnell Swett is here in the Senate Gallery, and has been meeting with a number of Senators to discuss this effort. I thank him for joining us, and encourage my colleagues to take time to hear from him how vital this bill is for his community and his people.

Federal recognition is about more than Federal resources and creating economic development opportunities for this community. It is about tribal identity.

The Lumbee have fought for the recognition they deserve for over 100 years. Truly, this recognition is long overdue.

We must ensure the Lumbee are no longer treated as a second-class tribe, and I ask my colleagues to join me in supporting the Lumbee Recognition Act.

I yield the floor and 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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 510

Mr. DURBIN. Mr. President, I come to the floor this afternoon, in the presence of Senator COBURN of Oklahoma and Senator HARKIN of Iowa, to discuss an issue I have worked on literally for my entire congressional career—food safety. This is an issue which has haunted me since my days in the House of Representatives when I received a letter from a woman in Chicago, far outside of my central Illinois congressional district, who told me the story of her 6-year-old son Alex. She brought home a pound of hamburger from the local grocery store and fed it to her son, and he was dead 3 days later from food contamination that led to a very painful, horrible death which has haunted her to this day. Her name is Nancy Donnelly. She has focused her life on making food safety laws better in America. I have joined her in that effort. I was inspired by her tragedy and by the many people who came to me and explained how they had been through similar circumstances.

For almost 20 years now, I have been taking on this issue. I have tried from the very beginning to bring to the attention of Members of Congress the fact that there are at least 12 different

food safety agencies in our Federal Government. When we look to the origin of these, the U.S. Department of Agriculture got started because Upton Sinclair wrote ''The Jungle,'' which told about the horrible circumstances in the packinghouses of Chicago. That novel led Congress to pass the first food safety law with the U.S. Department of Agriculture as the lead. Over the years, the Food and Drug Administration expanded its role in this area, and many other agencies did as well.

I have always argued that we need better coordination. In fact, we need one single food safety agency that uses science and tries to reach new efficiencies by avoiding overlap in deciding what is the safest approach to food in America. I haven't had much luck. Rarely do I find a bipartisan cosponsor, find anybody who will join me in this effort. But I understand the Senator from Oklahoma said yesterday he is interested in it, and I welcome him to be part of this conversation. I want to see the day when we have a single food safety agency that gets the job done in a professional way.

What do we do before then? Knowing that this will take some time, and it has taken time already, what do we do? I think we should clearly look at the weaknesses in the current food safety system and address them directly.

If I said to the Presiding Officer, before he was in the Senate and before he became conversant with most of the laws of the land, if I asked, do you believe there is a Federal law which allows the Federal Government a mandatory recall of contaminated, deadly food products on the shelves of America, he would say, of course, that is why we have food safety agencies. The answer is no, there is no such law. The government has no power to recall deadly and contaminated food products on shelves across America—amazing, but it is a fact. This bill we are trying to call before the Senate will give the government the power to recall deadly food. That is a major step forward. If we did nothing else in this bill, it is a major step forward.

The bill also gives the Food and Drug Administration the authority to expand their inspections, not just here in the United States, where there is plenty to be done—we are seeing an FDA inspector once a year as a novelty—but overseas, where there is literally no inspection. As foods come in from all over the world, we don't know the standards they are using. Unfortunately, our people are vulnerable as a result.

Should we have mandatory recall? Should we have more inspections? Absolutely. I think that is a must to make sure we don't run into the tragedies we have seen repeated over and over again. Hardly a week goes by that there isn't some new food tragedy—peanut butter, spinach, tomatoes, eggs. People get sick—and some die—week after week, month after month. So the question is, Will we do something about it?

I went to Senator HARKIN, chairman of the committee, and asked him to lead, with Senator ENZI, his Republican counterpart, in a reform bill that will make this system better, really fill in some of the gaps, move us forward. He took that challenge and handled it very professionally and very quickly. In fact, we have 19 Senators, Democrats and Republicans, in a bipartisan effort, after hearings in his committee, after markup in his committee, bringing this bill to the floor.

For the first time since I have been engaged in this debate, we have the support not only of consumer groups, which we would expect, we have the support of the industry—the food processors, the grocery manufacturers. Why? Because they understand that once we lose confidence in our food supply, it hurts them as businesspeople.

So here we are, a moment, an opportunity we have worked for for years—literally years—a bill we have been working on for months in a bipartisan fashion, and all we are asking for is a chance to bring it to the floor. That is all. Bring it to the floor, entertain amendments, debate it, deliberate, and vote. People who come and visit Washington think that is what the Senate does, right? An important issue, a life-and-death issue for families, something we all care about when we put food on the table—thank goodness the Senate is finally going to take up something that affects their lives, and it is going to do it in a professional, bipartisan way. Thank goodness all the games are over.

No. Welcome to the U.S. Senate. When we bring the matter to the floor and ask for a chance to debate and deliberate it, 1 Senator, who is on the floor today, says no—not 99 Senators, 1 Senator says no.

We said to the Senator: If you object to the bill, you can vote against it.

He said: Not good enough.

We said to the Senator: If you want to offer an amendment to this bill, offer an amendment.

Not good enough. He says: No, I don't want the Senate to take up this bill and debate it. I don't want them to vote on this bill. I want this bill to die right now. I don't want it to go forward.

From my point of view, we are all entitled to our opinion. We are all entitled to our political position. In the Senate, one is entitled to speak their mind. In the Senate, one is entitled to debate and deliberate, to offer an amendment and have a vote. But at the end of the day, if there is any fairness in this body, the majority will decide what goes forward.

In this case, one Senator has said no. Nineteen Senators, Democrats and Republicans together, are not enough, putting this together after the years of work that have gone into it. It is not enough. That troubles me because I think this issue is a life-or-death issue. This morning's Washington Post talked about what has happened to unsuspecting people across America who ate the contaminated eggs. Think about it. Eggs are supposed to be wholesome and nutritious and good for you, but thousands of these eggs contaminated with salmonella, sold across America, have made people sick, and for some their lives will be compromised forever.

I would think that when we consider the medical problems which will be created if we stop this debate, when we think of the victims across America of food contamination, for goodness' sake, shouldn't we err on the side of moving forward? Who argues against a mandatory recall of contaminated food from shelves across America? Who argues against giving the Food and Drug Administration the power to move forward to make sure there are more inspections done on a scientific basis? That, to me, is basic.

When a customer goes into a store across America, they assume something: They assume the government is involved in this decision, that somebody, somewhere took a look at what they are about to buy and said it is safe to sell it in America. I have to tell you, in most instances, they are mistaken. The inspections are not frequent enough. The inspections, sadly, do not take place in many instances.

Well, the argument on the other side is, come on, Senator, everybody can dream up a new way to spend money. You have dreamed up a new way to spend money. You want to have more inspections. You want to send inspectors out to make sure our food is safe. Well, great. I can think up a way to spend money too. The argument is, if you are going to spend money and add to our deficit, the answer is no, no matter what you say, or you have to come up with some way to pay for it now.

What I have to remind the Senator from Oklahoma—and he and I have had this debate over and over—this is an authorization bill. It does not spend money. In order to spend the money, you have to go through an appropriations bill that actually spends it. In other words, you are given a finite amount of money and you decide: What is a priority? I think this is a priority. Something else may not be funded. This should be funded. It is an authorization bill.

What about the cost of this bill? How do we put the cost of this bill in comparison to some other issues? Modernizing the food safety system of America costs us $280 million a year. That is less than $1 for every American. Providing tax cuts for the wealthiest people in America: $400 billion a year. That is Senator MCCONNELL's plan to extend the Bush tax cuts for the wealthy. So $400 billion unpaid for, adding to the deficit, versus $280 million to protect families from contaminated food.

Let's take a look at what happens when you do not spend the money and

have the inspection. In 2006, an E. coli outbreak cost spinach growers across America $350 million in 1 year. That means that industry lost $70 million more than the entire cost of food safety inspection in the bill for 1 year. Would those growers rather have seen people not be victimized by a contaminated product and not seen their own operations destroyed for an inspection? I think they would have. They are not the only ones. In 2008, the salmonella outbreak linked first to tomatoes and then to peppers cost the Florida tomato industry over $500 million. In a single year, tomato and pepper growers lost nearly twice as much as this food safety bill costs. Doing nothing is not only cruel to the unsuspecting customers and consumers across America, it is devastating to the food industry. That is why they support this bill. They understand they would rather be subject to inspection so the consumers have more confidence in their product and they do not run the risk of having their livelihood devastated by a food contamination outbreak.

The cost of doing nothing can also be measured in lost quality of life. Each year, 76 million Americans suffer from a preventable foodborne illness. For some of them, it is an upset stomach or diarrhea, but for others it is more; 325,000 people are hospitalized, accumulating large medical bills, each year, and 5,000 people pay for food contamination with their lives. That is the reality of what they face.

I know I take this bill personally because of the fact that I have come to know some of the people who are involved in food contamination. I want to show you the photos of just two people before I propound a unanimous consent request and turn this over to my colleague from Iowa.

Marry Ann, shown in this photograph I have in the Chamber—this lovely lady—is an 80-year-old grandmother who contracted E. coli from spinach just before she left to meet with her family at the park for a Labor Day gathering. She is from Mendota, IL, a small town near my hometown. She is alive today, thank God, but the kidney failure, violent vomiting, and uncontrollable diarrhea are constant reminders that her quality of life will never be the same. She is 80 years old, and she struggles now to get by every day because of food contamination. She is standing with us in this fight to improve our food safety system so that no one else has to endure what she has been through.

Now I would like to introduce you to a young man. I hope I do not mispronounce the name of his hometown. Senator COBURN will know it better than I. His name is Richard, and he is from Owasso, OK. At age 15, Richard joined the unfortunate ranks of foodborne illness victims. After he returned home from a camping trip, Richard began experiencing headaches, diarrhea, and his urine turned black. He was later diagnosed with E. coli contamination For 8 years, Richard has endured pain and suffering because of it—migraine headaches, dry heaving, high blood pressure, and, after a series of dialysis treatments, kidney failure—kidney failure. Last year, Richard was having a kidney transplant while the House was debating and passing the food safety bill.

Richard and his mother Christine are following this food safety debate because of their own family experience. They are following it from Richard's hospital room. Days ago, Richard was moved to the intensive care unit due to swelling in his brain and his inability to speak.

On the day the Senator from Oklahoma was informing the press of his objections to the food safety bill, Christine, Richard's mom, was making an airline reservation and making her way back to her son's hospital bed in Oklahoma. When Christine learned that her home State Senator was blocking food safety reform because of the cost, she immediately thought about the hundreds of thousands of dollars her middle-class family has spent on Richard's medical care.

On behalf of her son, Christine stands with 89 percent of the American people who want Senator COBURN to stop blocking this food safety bill. She said she has a simple question:

> As the Senate is debating on S 510, I am taking an emergency flight to the hospital to be with my son. He's been admitted again with complications stemming from his E. coli infection. We can delay this legislation no more.

She writes:

> Something must be done. The time is now. How many more victims must there be?

That is the critical question.

Is this a perfect bill? As I have said before and will say again, the only perfect legislation that I am aware of was tapped out on stone tablets and carried down a mountain by ''Senator Moses.'' We can improve this bill. We can entertain amendments that may improve this bill. But to stop us in our tracks and tell us we cannot even debate it or deliberate it while the Senate sits empty doing nothing is inexcusable while people are suffering and dying across America.

We have a bill that has the support of the industry and the consumers. We have come forward to this point. We cannot turn back.

That is why, Mr. President, 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 the consideration of Calendar No. 247, S. 510, the FDA Food Safety Modernization Act, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, equally divided and controlled between Senators HARKIN and ENZI or their designees; that the only amendments in order other than the committee-reported substitute be those listed in this agreement, with debate on each of the listed amendments limited to 30 minutes, with the time equally divided and controlled in the usual form; further, that when any of the listed amendments are offered for consideration, the reading of the amendments be considered waived and the amendments not be subject to division; Harkin-Enzi substitute amendment; Tester amendment regarding small farms and facilities; Harkin-Enzi amendment in reference to technical and conforming changes; and that once offered, the technical amendment be considered and agreed to and the motion to reconsider be laid upon the table; Coburn amendment in reference to offset for the cost of the bill; Feinstein amendment in reference to BPA; Leahy amendment in reference to criminal penalties; that upon disposition of the listed amendments up or down and the use or yielding back of all time, the Harkin-Enzi substitute amendment, as amended, be agreed to, the committee-reported substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object and ask unanimous consent to be recognized after the majority whip finishes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

And the objection is heard.

Mr. DURBIN. Mr. President, it is my understanding that Senator COBURN actually sees, as I do, the need for us to coordinate the food safety agencies and is proposing that we ask for a study for that purpose. I wish to join him in that effort. Asking for a study is a good thing, but while a study is underway and we are waiting for the report, people will be dying from food contamination.

I hope we can engage in this study and move toward a single food safety agency. I am with him all the way. Let's save money in the process. And I think we can. We can come up with a professional, good agency in a bipartisan way. But unless and until that is done, we have to make reference to the obvious; that is, the current system is not safe enough for American families. As good as our food supply may be in America, we can do better. To stop now, after all of this work has been put into this effort, with the objection of only one Senator, strikes me as unfair—unfair to the people across America who desperately need our protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is unfair in this country is the fact that we label bills to fix things and fix a lot of the symptoms, but we do not fix the underlying problem. We are going to spend several hundred million dollars

when the bill ultimately goes through, and much of it will be well applied, but the underlying problem will never be fixed.

The Senator mentioned we have 12 agencies—12 agencies across this government—responsible for food safety. What I would contend to my colleagues is that the same amount of money we spend now, if we spent it wisely, would give us a much safer food supply.

All through the course of this debate, I have had staff at every meeting raising the consistent objections I have raised. At every meeting, one of my staffers has been there. They were ignored. I am not stopping this bill because it was ignored; I am stopping the bill because I do not think we are fixing the true underlying problem.

Let me give you an example. Here is what Dr. Hamburg said. This is on the egg rule.

> We believe that had these rules been in place at an earlier time it would have very likely enabled us to identify the problems on this farm before this kind of outbreak occurred.

How long did it take them to develop the rule? Ten years. It started with President Clinton asking that this be addressed. Robert Reich went and inspected and said it is unbelievable what has happened. And what happened is, he initiated it with the FDA, the start. Somebody ought to ask the question and hold accountable FDA taking 10 years to get a rule so we have safe eggs in this country. We did not ask that question. So the next thing that comes up after we pass a bill like this is that we are going to see another problem because we are not fixing the core problem.

Let me read to you from the oversight hearings the Senate has conducted on food safety. I think I have them here. There was a full committee hearing on October 22, 2009, ''Keeping American Families Safe, Reforming the Food System.'' There was a full committee hearing developing a comprehensive response to food safety on December 4, 2007. And there was a Senate Appropriations Committee oversight hearing on Hallmark/Westland meat recall—a special hearing. There was not one hearing that said: FDA, what are you doing, how are you doing it, and why are you doing it that way? There was not one hearing that said: USDA, why in the world can't you get your act together? We did not do the structural oversight that is necessary to fix these problems.

I am not denying that this bill will have some positive effect. But it will not solve the problem. So we will pass a bill, and then we will still have contaminated food, but we will have answered the questions of late. We can't keep running government that way.

I appreciate sincerely Senator DURBIN's efforts. We come from vastly different backgrounds. I don't question his integrity, his desire, or his goodwill to try to solve the problem. As he told me on the phone, I can't be involved in everything, so, therefore, I shouldn't participate in this. That is the implication. I am not saying the Senator said that, but the implication is, you can't be involved so, therefore, you can't know enough to be involved. Well, having run a $70 million-a-year business in the health care field, having managed hundreds upon hundreds upon hundreds of people, and being trained as a physician in practice for 25 years, I know a heck of a lot about food safety. What I do know is if you don't fix the problems in the underlying agencies that are responsible for food safety, it doesn't matter how many bills we bring up.

There is a prohibition in this bill. Section 403, Jurisdiction Authorities:

> Nothing in this act or an amendment made by this act shall be construed to alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services under applicable statutes, regulations, or agreements regarding the products eligible for voluntary inspection under this agreement.

We actually are doing something wrong here—not just right. We are telling them they can't shift stuff around to solve the problem. Not only do we not do the vigorous oversight that is required to actually fix the real problems; we put up a roadblock, a silo back up and say, By the way, you can't do any of this together. That is in the bill.

What has happened? The FDA Commissioner says had we put this rule out, this probably wouldn't have happened on the egg recall, salmonella enteritis. It wouldn't have happened. Where is the answer from the FDA? Where is the oversight hearing of the FDA on why it took them 10, almost 11 years to get a rule out on egg safety? That is my core objection.

I want us to solve the problems. I don't have any problem with the issues about foreign inspection. Mandatory recall I don't have a problem with, although we have never had a food supplier in this country that has not recalled when asked to recall. So having a mandatory authority is a false claim because nobody has ever not recalled when they were asked to, because it is in their best interests to recall.

My problems are characterized by this chart, when you think about the egg recall. The USDA knew what was happening on the farms in Iowa but said nothing to the FDA. The FDA didn't look to see, and Congress didn't want to hear about it. So we have a bill before us that does a lot of good things, but it doesn't fix the real problem. That is my basic complaint. We are treating the symptoms of the disease. My colleagues have heard my analogy before, but I am going to make it again. If you come in to see me, as a practicing physician, and you have fever and chills and cough and body aches and are short of breath, and I give you something to take care of your fever and chills; I give you something to suppress your cough; I actually make you feel better, but I don't diagnosis the fact that there is a pneumonia in your lung, you are going to get better for a little while and then you are going to get really sick. Then you come back. I have treated your symptoms the first time, and then I treat your pneumonia and I get you over that. Then I don't follow up after that to see what the real cause of the pneumonia is, which was a little tumor in your lung that caused blockage which caused the pneumonia. If I continue to treat symptoms, all I do is delay the time in which we get to the final fix for your problem. My analogy is I think that is what we are doing. I believe we have not been thorough enough. The intentions are great, but I don't think we have been thorough enough. I understand foodborne illnesses. I have treated a lot of them. I have had a lot of them. When I was in Iraq for 30 days, I had it for most of the time I was there.

The other question this has raised is we can't keep doing this. We can't afford to keep doing this. We have more than enough money at the USDA and the FDA to do everything you want to do in this bill—more than enough. That is one of the things the American people are asking of us. We are going to make this point on a food safety bill, and I am fine with the heat I will take from the groups and the press on it, because I think the underlying principle is more important. It is easy to pass a bill that looks as if it does something. And even if it does something, if it passed on what we are going to spend when we don't address what we are spending wisely, we will never get out of the jam we put our kids in.

To Senator DURBIN's point: Yes, it is an authorization bill. The Senator from Illinois and Senator HARKIN, as well as every member of my caucus and every member of your caucus, get a letter the first of every Congress saying I would absolutely object to any bill that increases authorizations in this Congress that are not offset with a reduction in less important, less priority items. I offered to do that to the majority leader. I offered to give that to him 2½ weeks ago. He hung up the phone on me; wouldn't even say goodbye. I said, I will give you a list. How about the $500 million the U.S. Department of Agriculture pays out to dead farmers in crop payments—to dead farmers who have been dead 6, 7, 8 years, still paying crop payments. We have plenty of money to pay for it. We don't want to do the hard work of getting rid of the things we should.

What America is screaming for now is they want food safety, but they want security for their kids as well. If we continue this bad habit of ignoring the actual idea that there is a limitation on how much we can spend, we will never solve any of the critical problems, whether we have clean food or not.

I do honor my two colleagues who are in the Chamber. They are men of great

intent, honest intent, caring hearts, but I disagree on how we have gone about this. This isn't the first time I have heard the wonderful eloquence of Senator DURBIN. He is great at what he says and how he says it. He is a very bright man. He makes his case well. But there are important things in this country that we are ignoring, and this bill is an example of it.

Why in the world won't we fix the real problem? Why won't we ask—you know, the one thing that should happen—it amazes me. There is not a hearing scheduled on why it took 10 years to have an egg safety standard. We have allowed this. We have allowed it.

The other point I wish to make is, yes, the money has to get appropriated. I agree with that. But we are going to spend this money. Senator DURBIN, we are going to spend it, aren't we?

Mr. DURBIN. Not unless we appropriate it.

Mr. COBURN. Does the Senator have every intent to make sure it is appropriated?

Mr. DURBIN. If we can find the money.

Mr. COBURN. So wait a minute. If we can find the money.

Mr. DURBIN. If we can find the money.

Mr. COBURN. The earlier statements of this will solve the problem, but yet we are not going to find the money. It should be 100 percent that we are going to find the money to do this.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I want to continue my point, if you don't mind. You have always been courteous to me and I will be courteous to you, but I wish to continue for a few minutes and then I will give my colleague the chance to respond.

Mr. DURBIN. I would say to the Senator, I was going to ask him a question.

Mr. COBURN. I will allow that in a few minutes.

If this bill is that important, and the majority whip says we will fund it if we can find the money, rather than saying we are going to fund this because this is a priority—and he has the power to make sure that gets done. Don't let anybody kid you. If he wants this bill funded, he can get it funded. So the point is, either it is going to be funded and it is going to get spent and the argument about authorizations is bogus or there is going to be a real question on whether it is going to get funded. If there is a real question about whether it is going to get funded, then the importance of the issue isn't nearly as great as we have explained it to be, which goes back to an argument we have had for the 6 years I have been here.

I understand you don't agree. I am a hardheaded guy from Oklahoma who actually believes we ought to make hard choices, we ought to downsize the government rather than grow it; and when we have an issue such as food safety, what we ought to do is hold accountable the agencies—let me say it again—we ought to hold accountable the agencies, because I am not sure that we don't have enough rules now. What I think we have is not enough effectiveness of the agencies and the dollars they spend. With the exception of foreign inspections, which I fully support—I fully support—anybody who wants to sell food in this country ought to pay for the inspections and we ought to be able to certify that it is safe. I have no problem with that. There are a lot of components of this bill I agree with. But I refuse to agree to a unanimous consent request until we start looking at the real problems underlying not just the FDA and USDA but the Pentagon, Health and Human Services, the Department of Justice. The waste in this government and our refusal to look at that waste and eliminate it so we can do good things is one of the reasons—not the only reason, one of the reasons—we find ourselves $13.4 trillion in debt.

Ideally, how would we go about this? Because one of the complaints is: COBURN, you stop things in their tracks. How would I have done it differently? So I think I owe you an explanation. First of all, the tomatoes were never contaminated. They were thought to be contaminated. It was the jalapenos. So we, our agencies, identified falsely a food that wasn't contaminated. So the agency is responsible for the $350 million cost for the tomatoes. That is a very important point. The incompetency of the agency cost $350 million, which is a very different story than my colleague from Illinois talked about. It was jalapeno peppers.

So how should we go about this? Before we do one other thing on food safety, every one of those agencies ought to know we are looking over their backs all the time. That is the first thing. We should have routine oversight hearings on the appropriate committees three to four times a year. The second thing we ought to do is we ought to say, GAO, we want to know everybody who has anything to do with the quality of food in this country as far as a Federal agency and we want to know their line responsibilities, we want to know their authorities, we want to know X, Y, and Z, and their effectiveness. Because a GAO study at the Department of Agriculture, as well as the FDA, says they are incompetent at most of this stuff. I will be happy to give my colleagues the quotes. They lack the competency to carry out—how else do you explain that the FDA cost the State of Florida $350 million by falsely claiming that tomatoes weren't any good? That is incompetence. There is no excuse for it. There was no hearing held to hold them accountable. It is ignored in this bill.

So how would we go about it? We would find out everybody who has anything to do with food safety. Then we would do what Senator DURBIN wants to do. We would eliminate the duplication. We would make one line authority: This agency is responsible for all the food safety in this country. That is a marvelous goal, Senator DURBIN. This bill delays that happening. He is on to the right thing.

We need to get there, I agree. But when you go to Piggly Wiggly or Homeland, as we have in Oklahoma, and you go to the freezer section and buy a pizza for Friday night when—in Oklahoma, you are going to play dominos after high school football is over. If you buy a cheese pizza, the Department of Agriculture is responsible for that. But if you buy a pepperoni pizza, it is the FDA. I may have them reversed. I do have them reversed. The FDA is responsible for cheese pizzas. How does that make sense?

It is a symptom of the disease in Washington. First of all, it is stupid. Second of all, it is inefficient. Third of all, it guarantees the two agencies are not going to be talking to each other.

The Food and Drug Administration and the USDA have—I think my number is correct; I may be wrong—187 agreements for how they work across the field. Except you know what happened with regard to the egg situation. Nobody paid attention to the agreements. We have the rules. USDA did not tell the FDA. Then, finally, we have an egg producer—the State of Iowa has done tons of stuff to say this guy's quality is poor. Did USDA do anything about it? No. Did the FDA do anything about it? No.

USDA knew there was a problem. It did not need any more inspections. They knew there was a problem. They did not communicate it to the FDA as per their protocol.

What do we have going on here? We have a mess. As well-intentioned as this bill is and as hard as the Senators have worked on it on both sides of the aisle, it does not fix the cancer in the lung that caused the pneumonia that caused the fever, cough, chills, and malaise of the patient. Until we start drilling down to get to the real problems, the real issues of food safety, we are going to spend a lot of money. We are going to create a whole lot more regulations. We are going to have another 200-plus page bill.

What we ought to say is, time out. Let's do some things. Let's have a one-page bill that can pass by UC today that says we are going to do safety inspections on foreign foods. Done. We can do it. That takes care of our foreign food.

A good portion of our seafood is imported. It is farm raised. It is important. We can do that tomorrow. We can have sanctions and penalties and criminal penalties for Federal bureaucrats who do not follow the rules of their own agencies.

Everything was in place on the egg situation. We did not execute. We did not carry the ball down the field. Here is what we know about the DeCoster Egg Farms. They are a habitual violator. They have had eight known run-

ins or citations from State and Federal regulators. They were designated by the State of Iowa as a ''habitual violator.'' Robert Reich called the state of the farms simply atrocious.

USDA inspections—I have a copy of the inspections—routinely noted unsafe and unsanitary conditions without communicating any of those concerns to the FDA.

What we had was a failure to execute. It was seen. It was known. What we had in place did not work. But this bill does not fix that. It does not fix that.

I have treated a lot of people with toxic e. coli in my life. That is what causes kidney failure. Salmonella hardly ever does that. It is not a fun disease to have. There is nothing in this bill that says we are going to prioritize pathogens. You see, e. coli, compared to all the rest of the pathogens, is much more important in terms of hospitalization, death, morbidity, and mortality. So any food safety bill ought to work on the most ravaging problem first, not treat them all the same. Yersinia pestis, shigella, and salmonella cause enteritis, that is true. Rarely will you have long-term effects from those. But from toxic e. coli, it is a whole different actor.

We ought to prioritize what we do in food safety through the food safety problems that cause the major problems. We do not do that.

I know I have disappointed my colleague from Illinois. I know he has worked hard on this bill. We have some very stark philosophical differences about how to make the government work better. I hope through the next few years to convince him more often than not to go in a different direction.

I know Senator HARKIN's heart is one of the softest and best in our body. If somebody has a problem, I don't care what it is, he is interested in it. For disappointing my colleague, I sincerely apologize. For standing on my principles and what I believe, I do not. I do not see a great future for our country if we do not start changing the way we do things, whether it is drilling down and looking at what the real problems are with the agencies and doing the appropriate oversight and taking priorities and getting rid of things that do not work and making things that do work work better.

I worry about my grandkids, and I worry about all of our grandkids. With them at $43,702 today per man, woman, and child in this country, we cannot do it anymore. I am not going to do it anymore. I will be as compliant as I can be living within my principles, but I am just not going there. For that, I apologize. I apologize for disappointing my colleagues, but I sincerely regret we could not have solved some of these problems along the way.

I yield the floor and yield to the Senator for a question, if he wishes.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

Mr. DURBIN. Madam President, I am going to yield to the Senator from Iowa in just a moment.

I would like to offer to the Senator from Oklahoma a compromise and tell him I have spent much of the time he was speaking reading S. 3832, a one-page bill, which calls for a plan within 60 days from USDA and FDA and within 1 year a joint report from Congress, a GAO report. I am going to join him on this issue.

What I would like to suggest is the following: Because I am as committed as he is to food safety, I would like to amend my request and make this a Coburn-Durbin amendment which will be offered, which I guarantee I will work night and day to get passed, so we address the overall issue. In the meantime, while we are spending 6 months or a year moving toward this goal, let's at least make the current system as safe as we can. Let's do everything we can to protect the people of this Nation.

The Senator does not have to apologize to me. I will be here tomorrow. But this poor man in ICU in Oklahoma may not be, and other people like him.

What I suggest to him is, I will join in a compromise. I will add an amendment to the bill and cosponsor his language in S. 3832 and ask my colleagues on this side of the aisle—all of them—to join us in voting for them if the Senator from Oklahoma will remove his objection so we can go forward on this important historic debate.

Mr. COBURN. Madam President, I appreciate the Senator's offer, but I cannot do that. I also want him to know that this bill is not going to solve the problem of that gentleman from Owasso, OK. This bill is not going to solve that situation because we are not fixing the real problem.

Mr. DURBIN. Madam President, I must reclaim my time and say to the Senator from Oklahoma, he cannot tell me how badly he feels for these victims and then stop the bill with which we are trying to protect them.

The Senator cannot tell me he wants reform and then reject it. The bottom line is the description he has given is about the USDA, and this bill is not about that agency. It is about the FDA.

I say to the Senator from Oklahoma, I agree with him. I want to help him. But if he will not allow us to bring to the floor a bill on which we worked for a year and a half, if he will not offer an amendment along the lines suggested, then all he is doing is saying no.

If he is saying we cannot afford safe food in America, I disagree. I think we can afford it, and I am willing to cut other spending to pay for it. That is the only way it can get through the appropriations process.

But to just say no after all the work that has gone into it because he does not happen to like it—if the Senator from Oklahoma does not like it, offer his amendment. If it is a good idea, the Senate will accept it. If he does not have an amendment, then he is like me on Monday night watching football when the Bears play the Packers deciding what Jay Cutler should be doing as quarterback. It is pretty easy from that armchair.

I want the Senator from Oklahoma to come down to the field and offer his amendment, be part of the conversation. Don't just stand there and say no. As he says no, people will suffer and some will die. I think that is fundamentally unfair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, again, if I truly felt this bill was going to solve those problems, I would be out here supporting it. I do not think so. We have an inherent disagreement.

The Senator from Illinois can file a cloture motion any time he wants to proceed to this bill. He can file it today, and we can have a cloture vote next week—we are not going to be doing anything next week anyway—and we can go to the bill. File the cloture motion, if that is how he feels about the bill and he thinks I am dead wrong. File the cloture motion, get the votes, and do it.

What we are hearing is we want it to pass in a short period of time so there cannot be the real debate there needs to be on the problems in this country on food safety. That is what we just heard.

We have been talking about this issue. We could have been here tomorrow debating this bill. The fact is, they did not file a cloture motion. They filed cloture motions 179 other times this Congress, more than any other Congress in the history, and the vast majority of them less than 24 hours after the bill was introduced.

If the Senator really wants to have the debate, put the bill on the floor, file cloture, and have the debate. I will debate this for 30 hours.

Washington is great about saying they are fixing things. They are great about passing bills. They are not great about fixing things because they fix the symptoms, not the real disease. That is the problem with this bill. It does not drill down and fix the real disease.

My hope is that we can fix the real disease and that we will have the legitimate, tough hearings on why and how and what is needed to be changed in the agencies, not more regulations, not more money, but holding the agencies accountable, which we have not done. That is how Washington works. If there is a problem, we do not look at what we are doing already, we just create an answer for what we think needs to be done rather than holding people accountable. That is why we have a $3.9 trillion budget. That is why our kids are bankrupt or getting ready to be because we continue to make the same mistakes.

I do not apologize for my principles on this issue. If, in fact, we will ever get to where we fix the real problems in the Congress, my colleague will find me as docile and compliant as any other Member of the body. But do not

tell me to treat pneumonia with an aspirin because that is exactly what we are doing with this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, first of all, to my friend from Oklahoma before he leaves the floor, I thank him for his kind words. I appreciate that very much. He is a very valuable member of our committee. We have done work together in the past.

I say to my friend from Oklahoma, I agree with a lot of what he said. This bill is not going to solve all our problems. It may not solve a majority of our problems. It will solve some of them.

The Senator is right. We read about these crazy pizza things—Agriculture has one, FDA has the others. It is a crazy quilt work of things.

I say to my friend from Oklahoma, I am about as frustrated as you are. I have been chairman of Ag and I am chairman of HELP. When I am on Ag and they want to get some stuff to have jurisdiction over, then the people at Health and Human Services step in and they say no. Now I am on HELP and we want to get more jurisdiction for FDA and Ag says no. It drives you nuts sometimes. So you have these interlocks that have been built up over the years, and, yes, we have a crazy patchwork quilt.

I would say forthrightly that what we need in this country, I believe, after having been through this for 35 years on the Ag Committee in both the House and Senate and now in the HELP Committee for 22 or 23 years there, we need a single food safety agency in America that would pull from Ag and pull from FDA and set up a food safety agency.

I would say to my friend that agriculture has a lot of things on their plate. They have exports, they have farms, they have a lot of stuff on agriculture. FDA, they have drugs and all the stuff with drugs that they have to do—new drugs and investigational new drugs and all this other stuff and then they have some foodstuff. Foodstuff always gets kind of left behind. I see the same thing in agriculture. They have so many other things on their plate that takes so much money, the foodstuff gets kind of left behind.

So I think what we ought to do, if you want to drill down, is to get rid of all that and put it in one food safety agency. I have proffered this in the past, but I don't find much support for that. The institutional biases against that are tremendous. So I say to my friend: You are right. This bill will not solve all our problems, but I think it is a good step. I think it is a good step forward. It has strong bipartisan support. It has the support of industry and consumers, and that doesn't happen too often around here.

There is that old saying: Don't let the perfect be the enemy of the good. I hear my friend from Oklahoma, and what he is saying is we ought to have a more perfect system than what we have. I agree. We ought to have a more perfect system, but I can't get that done. We can't get that done here. But we can do some good things and we can take some steps to make it better than what it is and that is what this bill does.

Mr. COBURN. Madam President, if the Senator will yield, I would just say that I think we ought to fix the real problems. By fixing the symptoms, we delay the time in which we fix the real problems, and I think that is what we are doing.

I thank the Senator.

Mr. HARKIN. Well, I agree we are not getting to the nub of it, but it is a good step forward. I mean, sometimes you do have to treat the symptoms before you can get to the underlying cause. I am not a doctor. I don't want to practice medicine without a license.

I would just say again—to repeat—this bill is a major step forward. It will not solve all the problems. I can understand that, and I think there is a lot of other things we need to do, but you have to do what is possible around here. Politics is the art of the possible—to try to move the ball forward, to make changes that are more beneficial than detrimental, and I believe that is what this bill does.

We have worked long and hard. I see my colleague, Senator ENZI, is on the floor. I couldn't ask for a better friend and a better ranking member to work with. We reported this bill out last November without one dissenting vote—a voice vote.

I am sorry the Senator from Oklahoma had to leave, but I would just say that he did not object. He is on our committee, and he did not object to reporting out the bill. We had hearings, a markup, and we went through all the right and normal procedures. Then, since last November, our staffs—Senator ENZI's staff, my staff, and others, Senator GREGG's staff, I know, Senator BURR's staff—have been involved, and we have too personally—the Senators have been involved in this since at least the first of the year—working out the problems and trying to get down to a bill that would have widespread support on the floor.

Again, on something such as this, where we want to tackle a problem that is certainly not in any way partisan, you would like to get broad support for it. We kind of like to get something that would have a lot of folks, rather than a few, in order to send a strong signal that the Congress wants to make changes in the way we inspect food in this country.

I would say this bill we have—if this bill were to come to the floor—would get over 90 votes. I bet it would get over 90 votes. Maybe it would get 95, maybe 98, I don't know, but there would certainly be over 90 votes. So we have strong bipartisan support. As I said, we have the industry that supports it and the consumers. That doesn't happen a lot around here.

I can understand why both sides support it. Senator ENZI, Senator GREGG, Senator BURR, myself, Senator DURBIN's staff, Senator DODD, and others on our side have been working together, and I think we have a good bill. Is it perfect? No, it is not perfect. Is it going to solve every single problem the Senator from Oklahoma brought up? No, it is not. I am not Pollyannaish about this. But we do what is the art of the possible. We do what we can to make the system work better, to make sure we have less foodborne illnesses than what we have today. This bill will do that, not 100 percent, but it will sure cut down on the number of foodborne illnesses in this country.

This is long overdue. It is long overdue. My goodness, the last time we addressed this issue on food inspection, under the jurisdiction of the FDA, was 1938. If I am not mistaken, it was in 1938. I wasn't born until 1939, and we haven't even visited this since 1938. Think of the changes that have taken place in our country in the way we process and ship food. My gosh, when these were passed in 1938, my own family had our own garden, we canned our own vegetables, we canned our own meat. Yes, we canned meat, in glass jars, by the way.

We process food differently now. We didn't buy food from other countries or halfway across the country. We ate locally. We grew our own food. But times have changed, and we like it now. I like the fact that I can buy strawberries in the middle of the winter in Washington or I can buy a mango sometimes when I want one or bananas and things such as that. It is a wonderful system of making food available. What is not so wonderful is how that food is inspected as it goes through the growing, the picking, the processing, the shipping, the packaging, and then on to the consumer. That is what is not working well, and that is what this bill does address.

Again, the objection the Senator had in terms of it not being paid for, this is an authorization bill, not a spending bill. I wish to clear up a few things. I know my friend from Wyoming is here, and I want to hurry up to give him the floor, but just a couple of things I wish to cover for the record.

No. 1, on the deficit, there has been some talk about this increasing the deficit. I wish to make this very clear, precisely clear, that according to the CBO there will be no deficit increase for 10 years on this bill. I wish to make that point. In fact, we added language, at Senator COBURN's request, to have Health and Human Services review its own programs to trim any fat to help ensure fiscal responsibility and we have a reporting system and other things the Senator from Oklahoma wanted and we put in the bill.

The next-to-the-last thing I wish to say is this. The food industry wants this bill. Why do they want it? Well, on the one hand, people get sick and people die. On the other hand, the food industry suffers too. First of all, a lot of

times they get sued and they have to pay out big compensations. But, secondly, the disruption costs them a lot of money. When salmonella led to the recall of tomatoes, the entire Florida industry suffered, losing over $500 million in revenue—$500 million. When we had E. coli in spinach, growers lost $350 million. So they have an interest also in making sure we have a good food inspection system, and that is why they are for this bill.

I have letters from the Grocery Manufacturers Association, the U.S. Chamber of Commerce, National Restaurant Association, Consumers Union, PEW Charitable Trust, the Center for Science in the Public Interest, Trust for America's Health.

It is a rare thing when I can say that both the Chamber of Commerce and the Center for Science in the Public Interest are on the same page. You have pretty broad support. So it is a shame we can't move this bill forward. It is needed.

I wish to also pay my respects to Senator DURBIN. He has been working on this issue, literally, I know for the last 10 years. He has been bugging me about it for 10 years, and I didn't even have the power to do anything about it. So I know he has been insistent we work on this for a long time. Our committee has taken it up under Senator ENZI's leadership, then later under Senator Kennedy, and now it falls to me, as chairman, to work together on it in a very good bipartisan way.

Madam President, on November 18, 2009, the Senate Committee on Health, Education, Labor, and Pensions reported out S. 510, the FDA Food Safety Modernization Act, without a single dissenting vote. Since that time, the bipartisan group of cosponsors—Senators DURBIN, DODD, and I on the Democratic side, and Senators ENZI, GREGG, and BURR on the Republican side—have continued to work with Senators on both sides of the aisle to refine and improve this much needed legislation.

Legislation to reform our Nation's outdated food safety system is long overdue. And that is why I am so deeply disappointed that after all of this work, the Senator from Oklahoma has decided he will not allow us to move the bill forward.

I understand that Senator COBURN's primary objection to the legislation is that it is not paid for. I think that objection is misguided, for reasons that I will explain. But I would also like to emphasize that the unanimous consent agreement proposed yesterday by the majority leader, and objected to by Senator COBURN, would have allowed the Senator to have an up or down vote on an amendment to offset the cost of the bill, notwithstanding the fact that the bill contains no mandatory spending.

I know Senator COBURN states that this bill will contribute to the federal deficit. However, I have to respectfully disagree. In fact, as this chart clearly shows, the nonpartisan Congressional Budget Office has indicated that this legislation does not contribute to the Federal deficit.

Our bill has no mandatory spending—only authorized spending. This legislation, like countless others that have passed this year, will be subject to the annual budget and appropriations process.

Furthermore, during the negotiations on the bill, we added language at Senator COBURN's REQUEST to have HHS review its own programs to trim any fat to help ensure fiscal responsibility. The Secretary is required to annually report her findings to Congress on these programs' effectiveness in achieving their goals.

Conservative Republicans like Senators GREGG, ENZI, and BURR all support this bill. I am again disappointed that Senator COBURN won't even let us consider it on the Senate floor, even though we have agreed to give him an opportunity to offer his amendment to the bill.

While I am here on the floor today, I would like to address some other misstatements that I have heard about this legislation as we have worked over these past weeks and months to bring it to the floor. First, there are claims that this bipartisan legislation is harmful and burdensome to the food industry. I find that very hard to believe. This legislation has widespread support amongst industry and consumer groups. The reality is that every time there is an outbreak of foodborne illness, the food industry suffers, as consumers lose confidence in the safety of our food supply.

When salmonella contamination led to the recall of tomatoes, the entire Florida tomato industry suffered, losing over $500 million in revenue.

And during the 2006 spinach e. coli contamination that originated at a single farm, the spinach industry lost $350 million.

The good actors in the food industry already take steps to prevent food borne illness, but the entire industry suffers when FDA does not have sufficient authority to ensure that all processors will sell safe food.

I have received letters from the Grocery Manufacturing Association, U.S. Chamber of Commerce, National Restaurant Association, The PEW Charitable Trust, Consumers Union, Center for Science in the Public Interest, and Trust for America's Health, to name a few. It is a rarity when I can say that both the Chamber of Commerce and CSPI are on the same page. Here are several letters of support by both groups and a joint letter that both industry and consumer groups have signed. Let me read an excerpt from the joint letter:

> Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.
>
> Sincerely,
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> American Beverage Association, American Frozen Food Institute, American Public Health Association, Center for Foodborne Illness Research & National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P. Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.
>
> National Association of Manufacturers, National Coffee Association of the USA, National Confectioners Association, National Consumer League Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association.

Madam President, Senators often talk about the importance of addressing so-called ''kitchen table'' issues''—the practical, everyday concerns of working Americans. Well, food safety is literally a ''kitchen table'' issue. And it couldn't be more urgent or overdue. It is shocking to think that the last comprehensive overhaul of America's food safety system was in 1938—more than seven decades ago.

On the whole, Americans enjoy safe and wholesome food. The problem is that ''on the whole'' is just not good enough.

As you can see from this chart, recent food-borne outbreaks in America have been wide in scope and have had a devastating impact on public health.

When kids die from eating peanut-butter sandwiches their mothers pack for lunch, we have a problem. When people get sick—and many die—from eating bagged spinach and lettuce, we have a problem. When cookie dough sold in supermarkets contains deadly E. coli, we have a problem. When 1,000 Americans get sick from eggs that have been recalled for possible salmonella contamination, it is undeniable that we have a problem.

As you can see from this chart, the Centers for Disease Control and Prevention estimate that foodborne illnesses cause approximately 76 million illnesses a year, including 325,000 hospitalizations and 5,000 deaths.

According to Georgetown University, these foodborne illnesses costs the United States $152 billion per year in medical expenses, lost productivity, and disability.

Those numbers are just staggering. This is like learning that, each year, nearly 200,000 people in the United States die because of medical errors and hospital-acquired infections—most of them totally preventable.

As this chart shows, the cost of foodborne illnesses in my home State of Iowa alone is nearly $1.5 billion per year.

These aren't just numbers, these are real people. Real people like Kayla from Monroe, IA. On October 22, 2007, Kayla turned 14 and passed her driver's

test. The next day she stayed home with a foodborne illness and was admitted to Pella Community Hospital when her symptoms worsened. She did not respond to antibiotics and within a week her kidneys began to fail. Kayla was transferred to Blank Children's Hospital for dialysis, but her condition continued to deteriorate. She suffered a seizure and began to have heart problems. Just a few days later Kayla's brain activity stopped and her parents made the painful decision to take their beautiful 14-year-old daughter off life support.

These things are totally intolerable. And yet, apparently, we tolerate them.

Well, no more. We can no longer tolerate the unnecessary pain, suffering, and death caused by America's antiquated, inadequate food safety system.

Let's put it plainly: Our current regulatory system is broken. It does not adequately protect Americans from serious, widespread foodborne illnesses.

Bear in mind that, at the beginning of the 20th century, Americans ate a much simpler fare—and, most of the time, they prepared meals from basic ingredients in their own homes, with their own hands.

Today, our meals have grown more complex, with much more varied ingredients and diverse methods of preparation. By the time raw agricultural products find their way to our dinner plates, multiple intermediate steps and processes have taken place. Food ingredients typically travel thousands of miles from farms to factories to fork and they are intermingled and mixed together along the way.

We love today's broader selection of fresh foods available year-round. But this brings with it major new food safety challenges. For instance, we rely more on foods imported from countries with less rigorous inspection rates and different production standards and conditions than our own.

Yet despite dramatic changes in our tastes, as well as in methods of production and distribution, our food safety laws have not changed. The U.S. regulatory system has failed to incorporate the latest scientific research on ways to make and keep food safe. Another shortcoming: Food safety agencies are still encumbered by methods that often allocate disproportionate resources to activities that do little to make our food safer. FDA's own subcommittee on Science and Technology concluded in 2007 that FDA does not currently have the capacity to ensure the safety of our food.

OK, so what do we need to do?

For starters, we need improved processes to prevent the contamination of foods and improved methods to provide safe food to consumers. To achieve this, more testing and better methods of tracking food can be utilized to verify that the processes are working.

Thirty years ago, the Nation had 70,000 food processors and the FDA inspectors made only 35,000 visits a year to cover these processors. Even that level of oversight was inadequate. But today, a full decade into the 21st century, we have 150,000 food processors, twice as many plants, and the problem has grown far worse. Today FDA inspectors make just 6,700 visits each year; only one-fifth as many visits as they made three decades ago. This is absurdly inadequate. It is a wide-open door to an endless series of outbreaks of foodborne illness.

As this chart shows, the FDA Food Safety Modernization Act overhauls our food safety system in four critical ways:

It improves prevention of food safety problems, improves detection of response to foodborne illness outbreaks when they do occur, enhances our Nation's food defense capabilities, and increases FDA resources.

With the most recent recall for possible Salmonella contamination in at least 550 million eggs, we have yet another example of how this food safety bill, had it been in place, could have improved the FDA's ability to prevent and respond to the outbreak. This bill includes the following provisions that would have been beneficial to respond to this contamination and prevent future contamination:

It requires stronger trace back provisions so the contamination source and affected egg products could have been more readily and quickly identified.

It provides the FDA with mandatory recall authority in the event that businesses do not voluntarily recall products.

It requires retailers to notify consumers if they have sold food that has been recalled so consumers may have been aware of the contamination sooner.

It provides stronger disease surveillance so the outbreak may have been discovered earlier. It includes stronger enforcement provisions that would generally deter producers from cutting corners on food safety so the contamination may have been prevented or detected sooner.

It gives the FDA increased access to company records to identify contaminated foods so the likelihood of contamination may have been minimized.

The bill before the Senate today will also dramatically increase FDA inspections at all food facilities. And it does much more. It will give FDA the following new authorities:

It requires all food facilities to have in place preventive plans to address identified hazards and to prevent adulteration; and it gives FDA access to those plans.

It expands FDA's access to records in a food emergency.

It requires importers to verify the safety of imported food.

It strengthens surveillance systems to detect foodborne illnesses.

It requires the Secretary of the Department of Health and Human Services to establish a pilot project to test and evaluate new methods for rapidly tracking foods in the event of a foodborne illness outbreak.

And, as I previously mentioned, this bill gives FDA the authority to order a mandatory recall of food.

I want to say a word about the impact of this legislation on farms and small processors. I have long said that our new regulations should be effective, but not excessively burdensome. I am proud to say that this legislation comprehensively modernizes our food safety system, but does so without injury to farms and small processors. There are requirements throughout this bill to assure that the compliance burdens on farms and small processors are minimized to the extent practicable, and the legislation directs FDA to exempt both small processors and farms from certain provisions of this bill if they are engaged in low-risk activities.

As this chart shows, this bill makes several accommodations to address the concerns of small businesses. We have included language to ensure that state and federal personnel help educate small businesses about the new regulations and help folks comply with these regulations. This approach is tied to risk, grounded in common sense, and set up to help everyone succeed. I am confident we have addressed the legitimate concerns we have heard from small business owners

This food safety bill has been bipartisan from the beginning. It is an important, measured, and necessary effort to modernize our food safety system and protect American consumers across the country from foodborne illness.

I hope we can find a path forward and move this critical legislation as soon as possible.

I have some letters here, Madam President, and I also ask unanimous consent to have these printed in the RECORD at the end of my comments in support of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. It is a shame we can't move this forward. Like I said, it would get over 90 votes. I think we could dispose of a couple amendments fairly rapidly. I don't think it would take much time at all to move this legislation. So I am hopeful that even though we can't take it up now, maybe we can work with the Senator from Oklahoma, perhaps work something out to get some kind of agreement to get this moving forward.

As I yield the floor, Madam President, I will recognize and thank my colleague from Wyoming, Senator ENZI, who has also worked diligently for a long time, and his staff. I will tell him we will continue to work on this bill. We will continue to try to see what we can do to overcome some of these bumps in the road and try to get this bill through.

So I thank my friend from Wyoming for his great leadership and his working relationship specifically on this bill but on a lot of other things too.

EXHIBIT 1

SEPTEMBER 15, 2010.

Senator HARRY REID,
Office of the Senate Majority Leader, Capitol Building, Washington, DC.
Senator MITCH MCCONNELL,
Office of the Senate Minority Leader, Capitol Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: Our organizations are writing to urge you to schedule a vote on S. 510, the FDA Food Safety Modernization Act of 2009, at the soonest possible date. The HELP Committee approved a strong, bipartisan bill in November, and we believe that a vote would keep the momentum going for enactment of landmark food-safety legislation.

Strong food-safety legislation will reduce the risk of contamination and thereby better protect public health and safety, raise the bar for the food industry, and deter bad actors. S. 510 will provide the U.S. Food and Drug Administration (FDA) with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies. Among other things, this legislation requires food companies to develop a food safety plan; it improves the safety of imported food and food ingredients; and it adopts a risk-based approach to inspection.

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, Center for Foodborne Illness Research & Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association, National Association of Manufacturers, National Coffee Association of U.S.A., Inc., National Confectioners Association, National Consumers League, National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

CENTER FOR SCIENCE IN THE PUBLIC INTEREST,
Washington, DC, September 8, 2010.

Hon. RICHARD DURBIN,
U.S. Senator, U.S. Senate, Washington, DC.
Hon. JUDD GREGG,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATORS DURBIN AND GREGG: The Center for Science in the Public Interest (CSPI) supports the bipartisan agreement on a manager's amendment to S. 510, the FDA Food Safety Modernization Act, and urges the Senate to pass S. 510 (as amended) at the earliest possible date. CSPI is a nonprofit health advocacy and education organization focused on nutrition, food safety, and alcohol issues, and supported by the 900,000 member/subscribers to its Nutrition Action HealthLetter.

The FDA Food Safety Modernization Act is a critically needed update to our 70-year-old food safety laws. Today, millions of consumers suffer preventable food-borne illnesses, hospitalizing hundreds of thousands and causing thousands of pre-mature deaths. Our member/subscribers, seeing recurring news of outbreaks and recalls, identify the need for Congress to fix our food safety system as a top priority. Your legislation would do this by providing the Food and Drug Administration (FDA) with a mandate to prevent foodborne illness, requiring companies to implement food safety plans, setting standards for high-risk foods, establishing more frequent inspections, giving FDA authority to recall dangerous foods, and ensuring imported food meets the same standards as food produced here. These changes provide FDA with the modern tools it needs to assure consumers that food they buy is safe to eat.

We appreciate the hard work by the bipartisan cosponsors of the FDA Food Safety Modernization Act to reach agreement on legislation that will protect the public from foodborne disease. We urge the Senate to complete work on this important legislation.

Sincerely,

DAVID W. PLUNKETT,
Senior Staff Attorney.
CAROLINE SMITH DEWAAL,
Food Safety Director.

FOOD MARKETING INSTITUTE,
Arlington, VA, September 13, 2010.

Hon. RICHARD DURBIN,
Hart Senate Office Bldg, Washington, DC.
Hon. JUDD GREGG
Russell Senate Office Bldg, Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: On behalf of the Food Marketing Institute (FMI) and its 1,500 food retail and wholesale member companies, I would like to express our strong support for S. 510, the FDA Food Safety Modernization Act.

FMI members operate approximately 26,000 retail food stores with combined annual sales of roughly $680 billion, representing three quarters of all retail food store sales in the United States. The most important goal for these companies is ensuring that the products they sell are safe, affordable and of the highest quality as possible. As the purchasing agent for the consumer and the final link in the supply chain, the supermarket industry continually seeks ways to work with our suppliers and government to enhance the safety of the food supply.

We applaud your leadership and the sponsors of this legislation for working in a bipartisan manner to develop a bill that will help assist us in this endeavor by ensuring that FDA has the necessary authority, resources and commitment to its food protection responsibilities.

We are particularly pleased with the legislation's aggressive focus on prevention. Preventing food safety problems from occurring by mitigating risk will have the greatest impact on improving food safety. In addition we support:

The requirement to have food safety plans in place;

The granting of mandatory recall authority to the FDA;

FDA working with industry to develop enhanced traceability systems;

The recognition of accredited third-party programs to help supplement FDA efforts; and

The flexibility provided to help prevent one-size-fits-all solutions to improving food safety.

Each of these provisions are important building blocks in creating a more effective and efficient food safety system. FMI values the public-private relationship that we share with the government to protect the nation's food supply and look forward to continuing to work with you and your colleagues to enact meaningful food safety legislation.

Regards,

JENNIFER HATCHER,
Senior Vice President, Government Relations.

FOOD & WATER WATCH,
Washington, DC, September 13, 2010.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.
Hon. JUDD GREGG,
U.S. Senate, Washington, DC.

DEAR SENATORS DURBIN AND GREGG: On behalf of the non-profit consumer organization Food & Water Watch, I am writing to urge the U.S. Senate to pass S. 510, The FDA Food Safety Modernization Act, as soon as it reconvenes this week so that it can be conferenced and reconciled with its House companion bill, H.R. 2749, The FDA Food Safety Enhancement Act.

The bill that you have authored contains many strong features that will strengthen the Food and Drug Administration's (FDA) ability to regulate food safety for the products it regulates:

It will require food processors to establish food safety plans that will include preventive control measures to mitigate the possibility of adulterated food from entering the food supply;

The bill will improve FDA's ability to police the safety of the ever-growing volume of food imports;

S. 510 gives the FDA the authority to establish performance standards on the food industry to achieve pathogen reduction targets;

The bill gives FDA the authority to recall adulterated food items when a company refuses to do so voluntarily.

We are concerned, however, with the inspection frequency that is included in the Managers Amendment that will be offered as a substitute to the version of S. 510 that was reported out of the Senate Health, Education, Labor and Pensions Committee last fall. While the language in the Managers Amendment may in fact reduce the time between FDA inspections of food facilities, we still believe that an inspection frequency of once every five years for high-risk food plants and every seven years for low-risk plants is woefully inadequate. We remain unconvinced that had all of the other provisions in S. 510 had been in place at the time of the massive Wright County Egg and Hillandale Egg Companies recalls that we would have not had a similar food borne illness outbreaks occur because these two firms would not have been receiving FDA inspections frequently enough to ensure that they were complying with the law. Only with adequate enforcement of food safety laws and regulations will we see compliance with those standards by industry.

We are also sympathetic to the calls from small processors and small farmers who are fearful, that some of the provisions of S. 510 will cause undue burdens on them. We applaud the inclusion in the Managers Amendment of a technical assistance program for small processors and farmers and direction to FDA to take into account the impact on small business when the agency drafts its food safety regulations. We also believe that there are merits to the provisions in the amendment that has been crafted by Senator Jon Tester that those small processors and farmers who sell most of their products directly to consumers, restaurants, and other local businesses should not be subject to all provisions of the bill in light of the fact that the supply chain is very short. It is our understanding that additional consumer protections have been added to Senator Tester's

amendment, so we strongly urge your support for its inclusion in the final bill passed by the Senate,

We commend your efforts to bring this bill to the Senate floor, This bill has enjoyed bipartisan support from its inception and it is a credit to those who have taken a leadership role in this legislation's development.

Should there be questions regarding this letter, please feel free to contact me,

Sincerely,

WENONAH HAUTER,
Executive Director.

TRUST FOR AMERICA'S HEALTH,
September 8, 2010.

Senator RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Senator JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: Trust for America's Health (TFAH), a nonprofit, nonpartisan public health advocacy organization, would like to express our strong support for immediate Senate passage of the FDA Food Safety Modernization Act (S. 510). Although every American depends on the safety of the food they serve to their families, the Food and Drug Administration (FDA) lacks the tools to ensure that safety. S. 510 would finally help bring the FDA into the 21st century.

Approximately 76 million Americans—one in four—are sickened by foodborne disease each year. Of these, an estimated 325,000 are hospitalized and 5,000 die. A recent study by Ohio State University found that foodborne illnesses cost the U.S. economy an estimated $152 billion annually. With multiple severe food outbreaks in recent years, it is urgent that the Senate take this step to keep Americans safe.

The FDA Food Safety Modernization Act would place more emphasis on prevention of foodborne illness and give the FDA new authorities to address food safety problems. Under this legislation, food processors would be required to identify potential hazards in their production processes and implement preventive programs to eliminate those hazards. Additionally, the bill would require FDA to inspect all food facilities more frequently and give FDA mandatory recall authority of contaminated food. S. 510 is a bipartisan bill, with widespread support from industry, consumer groups, and public health organizations. The bill passed the Senate HELP Committee with a unanimous voice vote, and food safety legislation passed the House last year with overwhelming bipartisan support.

We thank you for your strong leadership on this legislation. If you have any questions, please do not hesitate to contact TFAH's Government Relations Manager, Dara Alpert Lieberman.

Sincerely,

JEFFREY LEVI, Ph.D,
Executive Director.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
September 10, 2010.

DEAR MEMBER OF CONGRESS, The events of the past two weeks have illustrated a pattern that is all too familiar. Local health officials around the country begin to see an uptick in illnesses from a particular source. As they notify the Centers for Disease Control and Prevention, epidemiologists begin to see a pattern in the illness and outbreak reports, identify a food as the likely cause, and notify the Food and Drug Administration (FDA). FDA, state health and local officials then deploy investigators across the country, furiously searching for the source of the illness, knowing that every day more people are getting sick, some seriously. In the meantime, the public must be warned to avoid the food of concern, creating anxiety for consumers and economic losses for farmers, food processors and retailers.

This time we're seeing this pattern play out with Salmonella Enteriditis in eggs, with illnesses in 22 states and more than half a billion eggs being recalled. But in recent years it has been spinach, salsa, peanut butter, bean sprouts, cookie dough, green onions—the list goes on and on, covering many of our most common foods. Many people are left wondering: heading into the second decade of the 21st century, why can't we prevent and react more effectively to the threat from foodborne illness?

Sadly, the answer is simple. As President Obama said during last year's peanut butter outbreak, caused by a different form of Salmonella, we have a food safety regulatory system designed early in the 20th century, one that must be overhauled, modernized and strengthened for today.

Under the current system, FDA is often forced to chase food contaminations after they have occurred, rather than protecting the public from them in the first place. Difficulties in tracking the movement of food from its origin to its eventual sale to the public (often far across the country) can frustrate efforts to identify contaminated food. The biggest surprise to most people: FDA cannot order a recall of contaminated food once it is found in the marketplace. Although government has a crucial role in ensuring the safety of our food supply, strong regulation has been missing. An overhaul of our antiquated food safety system is long overdue.

Proposed food safety legislation would give FDA better ways to more quickly trace back contaminated products to the source, the ability to check firms' safety records before problems occur, clear authority to require firms to identify and resolve food safety hazards, and resources to find additional inspections and other oversight activities. Pending legislation would also give the agency mandatory recall authority, and other strong enforcement tools, like new civil penalties and increased criminal penalties for companies that fail to comply with safety requirements. In a world where more and more food is imported, the legislation also would strengthen FDA's ability to ensure the safety of imported food.

The good news is that a bipartisan majority in the House of Representatives passed major food safety legislation last year that would move the United States from a reactive food safety system to one focused on preventing illness. Likewise in the Senate, a bipartisan coalition has developed a strong food safety bill that is ready for the Senate floor. This legislation has the support of a remarkably broad coalition of public health, consumer and food industry groups. We commend both chambers for their hard work.

Now it's time to finish the job. We encourage Senators to support a critical and commonsense piece of public health legislation. And, we urge the House and Senate to quickly deliver a modern food safety bill to the President's desk. It's time to break the pattern of foodborne illnesses and economic loss. It's time to give FDA the modern tools and resources it needs to meet the challenges of the 21st century.

KATHLEEN SEBELIUS,
Secretary, Department of Health and Human Services.
MARGARET A. HAMBURG, M.D.,
Commissioner of Food and Drugs.

AMERICAN FEED
INDUSTRY ASSOCIATION,
Arlington, VA, September 9, 2010.

Hon. TOM HARKIN,
Hon. MICHAEL B. ENZI,
Senate Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: On behalf of the membership of the American Feed Industry Association (AFIA), I write to commend your bipartisan efforts to craft well-reasoned, science-based legislation to enhance FDA's regulation of U.S. food safety. AFIA wishes you to know of its strong support for S. 510, the FDA Food Safety Modernization Act of 2009, as reported by the Senate Committee on Health, Education, Labor & Pensions (HELP), a bill we believe will provide FDA with authorities identified as necessary to help prevent and, when necessary, deal with food safety episodes.

AFIA is the only national trade association representing the manufacturers of livestock, poultry and pet foods. Our more than 500 member companies also include feed and pet food industry ingredient suppliers, the animal health industry, equipment manufacturers and those firms providing goods and services to the industry. In addition, AFIA membership includes more than two dozen state, regional, national and international trade associations representing various facets of the commercial feed and pet food industries.

Food safety is AFIA's number one priority. We strongly support science-based approaches to improve the safety of America's food system. Our commitment is reinforced through AFIA's Safe Feed/Safe Food program, as well as through the industry's third-party Feed Certification Institute (FCI), efforts which help the industry consistently operate well above FDA requirements. AFIA believes enhancements as contained in S. 510 will help make a very good federal food safety system even better.

AFIA pledges its effort to help you to quickly pass S. 510 in the Senate, and will continue these efforts through conference committee action with the House. AFIA looks forward to working with Congress to enact this important food safety legislation.

Sincerely,

JOEL G. NEWMAN,
President and CEO.

CONSUMER FEDERATION OF AMERICA,
Washington, DC, September 8, 2010.

Hon. DICK DURBIN,
U.S. Senate,
Washington, DC.
Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumer Federation of America strongly supports passage of the FDA Food Safety Modernization Act (S. 510). CFA is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Foodborne illness strikes tens of millions of Americans each year, sends hundreds of thousands to the hospital, and kills approximately 5,000 of us. The diseases are more than ''just a bellyache.'' Many victims suffer long-term chronic health problems including reactive arthritis, kidney failure and Guillain-Barré syndrome. Children under the age of 5 are the most frequent victims of foodborne illness. People over age 60 are most likely to die after contracting a food-related illness. The economic costs are enormous. A recent study estimated the annual cost of all foodborne illnesses to be $152 billion.

The suffering and heartbreak and deaths are pointless. Foodborne diseases are almost entirely preventable. They continue to rage because our nation's primary food safety agency, the U.S. Food and Drug Administration, operates under the constraints of a 70-year-old law that is largely extraneous to current threats to food safety. The Food, Drug and Cosmetic Act does not give the FDA a specific statutory mandate, appropriate program tools, adequate enforcement authority or sufficient resources to stop foodborne disease before it strikes us and our loved ones.

S. 510 changes the paradigm for fighting foodborne illness, directing the FDA to prevent foodborne illness rather than just reacting to reports of illnesses and deaths. It requires food companies to establish processing controls to avoid food contamination, gives the FDA authority to set food safety standards, and requires the Agency to inspect food processing plants regularly to assure controls are working as intended.

On behalf of CFA's millions of members, we thank you for your strong leadership in developing S. 510 and your determination to ensure its passage. We look forward to continuing to work with you to get a final bill to the President as soon as possible.

Sincerely,

CAROL L. TUCKER-FOREMAN,
Distinguished Fellow, Food Policy Institute.

CHRIS WALDROP,
Director, Food Policy Institute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Iowa, Mr. HARKIN, for his kind words and also for his great leadership on the HELP Committee. We have a big area we cover—health, education, labor, and pensions—and we have a lot of bills we are working on. I am pleased at the bipartisan way we are able to work on them, his staff and my staff. Actually, the members of the committee are very engaged on the issues we are covering, and they are very important issues for America.

MINE SAFETY

Madam President, I came to the floor to talk about a little different issue than what we have been talking about, but it is another issue for the HELP Committee. This one comes under that category of labor. It is safety—mine safety.

The reason I am on the floor is, I have seen some articles appearing in different parts of the United States that are inaccurate on what is happening on mine safety, and so I wish to take a moment to clear up some of that confusion that has been caused by a breakdown in bipartisan negotiations on the mine safety legislation in this last week.

The terrible tragedy that occurred in West Virginia this past April again focused us on the strength of our Federal mine safety laws and regulations. My State leads the Nation in coal production. We do about 40 percent of all the Nation's coal, and my county accounts for most of that. We have 92 trains a day that leave our county. That is over 1 million tons of coal a day.

I have always considered workplace safety as one of the most important missions of the HELP Committee. The first bill I did was on OSHA. I have been pleased to work across the aisle to improve safety, and that is exactly what I have tried to do this year, as well, with my colleagues from West Virginia and members of the committee under the direction of Chairman HARKIN, who has been very helpful on this.

As my colleagues well know, negotiations had been making significant progress until we ran into the stumbling block known as the election cycle. The staffs of seven Senators have been meeting several times a week for over 2 months, and all through the recess period. Agreements had been formed on over a dozen important proposals. I think there were 14 that they were in agreement on, 7 more we were waiting for approval to see if there was agreement or if there were more changes needed. Then there were five or six that the Senators themselves had to work out. Several of those important ones were right on the brink of compromise or agreement when the talks were abruptly called off until after the election.

Despite what has been said in the press and on the floor, the simple fact is that we might well have had an agreement right now if all the people were to have stayed at the table and decided this did not need to be an election issue. This very process of requesting unanimous consent on a bill, which could happen, would not even be on the bill we have been working on. It would be on one that was introduced before this process came into being. Everyone knows that would not have sufficient support to pass as part of political theater.

Certainly it is not for me to consult on the political calculations of my colleagues, but it seems to me that political theater and failure to work together to get important things such as this done is exactly what the American people are so frustrated about this year. That is what all the passions are about.

We are serving this Nation best when we work together to accomplish the people's business. The formula is not that complicated. Anybody can do it. You just have to bring both sides together for discussions, you have to establish agreed-upon goals and work toward agreement on those goals, you have to consult with stakeholders who will be affected by the changes being discussed—that is anybody who is going to be affected. Then, once substantial agreement has been reached, you have to determine which issues the sides will never be able to agree upon and set those apart for another day's debate. That is what I call my 80–20 rule.

There are some issues in every topic we talk about here that have already been talked about so long that both sides are already so polarized that if you mention one word with that particular issue, everybody plunges into the weeds and states the same arguments they have always done without listening to what the other side is saying. I have found you can work through those issues as well, as long as you can get people back up to the surface, out of the weeds, and get them to figure out something that allows both sides to save face. Yes, there is that problem around here, too. This formula has worked in the past for the very issue we are discussing today, which is mine safety.

In 2006, when I was the chairman of the HELP committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first one, Senator ROCKEFELLER and Senator Kennedy and I organized a trip to the Sago mine in West Virginia to meet with the miners, to meet with the victims' families, and to meet with the investigators. The three of us, along with Senators ISAKSON, MURRAY, and Byrd, then began negotiations. We were able to come up with an agreement in less than 2 months. It was called the MINER Act. It was the first major revision of the Mine Safety and Health Act since 1977. That has to be some kind of a record around here, but it was important and it was worked in a bipartisan way. That was done through a recess period as well.

Agreements have been formed on over a dozen important proposals, as I mentioned. Others are very close to an agreement. I am hoping that people will come back to the table, work through the time until elections are over and get this finished.

The MINER Act made important improvements to the emergency preparedness of underground mines—this one for the Sago mine—and has fostered tremendous improvements, particularly in communications technology adaptability to the underground environment. We are talking about being able to talk through several hundred feet, in some cases 1000 feet of granite. If you ever try to get a cell phone to work through a mountain or building, you will see what kind of problem they have. But tremendous improvements have been made because there is a market for it, mining is increasing, and the safety is essential. And we made it a part of that Miner Act.

One of the reasons I am so proud of the Miner Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stakeholders. We brought in the union, we brought in the nonunion people, we brought in the industry, we brought in the safety experts, and we brought in the investigators. The Mine Safety and Health Administration and all of these people sat around a table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, it was passed by the Senate

unanimously a week later—that is as bipartisan as you can get—and it passed the House 2 weeks later, and there were only 37 House Members out of 435 opposing it. One more week later it was signed into law. That is how laws get done and make a difference.

During my tenure as the chairman of the HELP committee we were able to move 27 bills to enactment that way. In total we reported 35 bills out of committee and of those 35, 25 passed the Senate. We ran out of time on the others or we would have gotten those, too. That is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety. Every day, thousands of Americans go to work in the energy production industry. The work they do benefits every single one of us and underpins our entire economy. This year, major accidents in the energy producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas, and 11 off the coast of Louisiana.

If there were ever a time to work together to actually enact legislation, as opposed to playing political theater, this should be it.

It can be done. There is progress being made. My staff has not walked away from the table and I resent any articles that say that. I am impressed and in agreement with the agreements that have been made so far. I keep constant track of those. It should not take very long to finish the six or seven that are very close to being resolved and then it should not take very long for the Members to sit down and resolve the ones that are left after that.

We can have a mine safety bill. We cannot have it this week. I am sure we cannot have it next week. The House has already done a mine safety bill so we have to conference that. It is going to take a little bit of time, although for the bill we are working on, I think, and in a bipartisan way, it could be done unanimously on this side. The Senate would then do it unanimously, and it is very likely for the House to follow very closely—follow suit and finish it up very well. I think that is what the American people expect.

Articles about things falling apart are not nearly as useful as keeping people together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD SAFETY

Ms. KLOBUCHAR. Madam President, as I listened to my friend from Wyoming, I was thinking, ''Ditto for the food safety bill.'' This is a bill for which there is vast bipartisan support. There always has been, from the moment it was introduced with four Democratic Senators, including myself, and four Republican Senators. Of course, the bill has been led by Senator DURBIN from the very beginning, and Senator HARKIN has played a key role. This has been a bipartisan bill. Given that we have only seen more foodborne illness outbreaks over the last few months, there is no reason we should not pass this bill. I rise today to urge my colleagues to support this bill.

I have stood here many times in support of the food safety bill. Part of this is because we had a very tragic thing happen in our State. We had three people die after the peanut butter that came out of Georgia, that peanut plant in Georgia. Three of the people who died were from Minnesota. One of them was named Shirley Almer. Her family expected her home for Christmas in 2008. She was a strong-spirited 72-year-old grandmother from Perham, MN. She had survived 2 bouts of cancer but she was actually recovering and doing quite well in recovery with a brief stay in a nursing home.

But she didn't make it home for Christmas that year. She died on December 21, 2008. It wasn't the cancer that killed her. She had battled that cancer. In fact, it was a little piece of peanut butter on her toast that 72-year-old grandmother ate. She didn't know it, but the peanut butter was contaminated with deadly salmonella bacteria. Shirley Almer and two other Minnesotans are among the 9 deaths officially related to peanut products, which also sickened nearly 700 people nationwide, many of them children. Shirley's son Jeff has stepped forward as a strong voice calling for reform of our food safety system.

Whether it is jalapeno peppers or peanut butter or, most recently, eggs, these outbreaks of foodborne illness and nationwide recalls of contaminated food highlight the need to better protect our Nation's food supply.

The good news is we know how to protect our Nation's food supply and we have legislation sitting on the table, literally sitting on the table, that could go a long way toward doing that. Sadly, that legislation has been stalled in the Senate since last November and now, as far as I understand, our colleague from Oklahoma has some concerns and at this late hour it is still stalled.

We know we can not afford any more delays. As one of the lead sponsors of the FDA Food Safety Modernization Act, I believe the Senate has every reason to pass this legislation. It is comprehensive. It covers everything from ensuring a safe food supply at the front end to ensuring a rapid response if tainted food gets into the supply chain. As I mentioned, it is bipartisan. You know what else about this legislation, which doesn't always happen with food safety consumer protection legislation? This has the support not only of consumer groups, not only of health groups, it has the support of many in the food industry including SUPERVALU, a very large food chain including Cub Foods, located in Minnesota.

I did an event back in Minnesota with the CEO of SUPERVALU a few weeks ago on this issue. Why do our businesses care? Of course they care because they want to have safe food for the consumers. They also care because this is hurting their bottom line, when there are these scares that encompass food and people are scared. We were standing there and a woman went by and said, I don't know if I want to buy eggs and the CEO said, you know what, not one egg was recalled from our huge food stores all over the country—Cub Foods, SUPERVALU—not one egg, but consumers don't always know that. But when you have a bad actor, when you have one company, one factory as you had in Georgia, it can ruin it for everyone—consumers, obviously tragic for them, tragic injuries, but it also hurts the bottom line for these businesses that have not done anything wrong.

Hormel, the maker of Spam, was standing with us at SUPERVALU that day, talking about how important it was. General Mills, Schwans support this bill. We have widespread support in our food industry because they don't want to see another person get sick from tainted food.

Finally, we all know this legislation addresses a very serious issue. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Yet, for every foodborne illness case that is reported, it is estimated that as many as 40 more illnesses are not reported or confirmed by a lab because people simply don't know why they got sick. The annual costs of medical care, lost productivity, and premature deaths due to foodborne illnesses is estimated to be $44 billion.

There is a lot at stake here, a lot at stake for human life, and there is a lot at stake for the economy. As you know, 2 years ago, hundreds of people across the country suddenly got sick with salmonella. Once it hit Minnesota, and once people died in Minnesota, sadly, it took only a few days before the University of Minnesota and the Minnesota Health Department, our ''food detectives'' as they are called, or ''team diarrhea''—which my staff didn't want me to say on the Senate floor but that is what we call them—worked together and they were able to solve this. How do they do it? Simple detective work. They simply called the families and homes of people who had gotten sick, people who had gotten very sick, they talked to their loved ones: Where did they eat? When did they eat? What did they eat?

They literally solved it in a matter of days. One State solved the jalapeno pepper problem—Minnesota. One state solved the Georgia peanut problem. That was Minnesota. That is why there is something to be learned from the model we used in our State.

That is why I included it in the Food Safety Modernization Act and why it is supported by so many people and so many grocery stores across the country as well as consumer groups, the bill I introduced with Senator CHAMBLISS of Georgia, the Food Safety Rapid Response Act. Building on successful efforts at detecting and investigating foodborne illnesses, this will strengthen the ability of the Federal and State and local officials to quickly investigate and respond to foodborne illness outbreaks.

I am proud to have Senator CHAMBLISS, from the State of Georgia, that had to have this experience. When it was finally discovered where this came from, it was from one company, one bad actor in their State. He was willing to come with me on this bill because we said enough is enough. We have to put prevention in there, which is in this bill, to stop these things from ever happening. But if it does happen, you want to solve it as quickly as possible so you don't get more people getting sick and dying.

What this part of the bill does, the part Senator CHAMBLISS and I introduced, it directs the CDC to enhance the Nation's foodborne surveillance systems by improving collection, analysis, reporting, and usefulness of data on foodborne illness.

This includes better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public. It directs the Centers for Disease Control to work with State-level agencies to improve foodborne illness surveillance.

Finally, the legislation establishes food safety centers of excellence. The goal is to set up these food safety centers at select public health departments and higher education institutions around the country. It takes the Minnesota example across the country, first with five centers—not to directly tell each State exactly what to do but to be an example of best practices for a region of the country.

Not many bills that come before Congress enjoy such a wide range of support from some important stakeholders. Not only do consumers recognize the critical need for this major bill, but the legislation has received support from major brand-name food companies. They know what is at stake. Their reputation and their bottom line depends on the trust of their customers, the trust that everything possible is being done to make sure their food is safe.

As a former prosecutor like yourself, Mr. President, I have always believed the first responsibility of government is to protect its citizens. In this most basic duty, our government failed Shirley Almer and many others who have been harmed by recent recalls. We owe it to them and all Americans to fix what is broken in our food safety system.

We can do a lot better with our food safety system. That is why we need to pass this legislation now.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The Senator from Ohio is recognized.

OUTSOURCING

Mr. BROWN of Ohio. I appreciate the comments of Senator KLOBUCHAR, who has been a leader on moving forward on this legislation on food safety. It is so important to our country. I am so sorry that pretty much one obstructionist, or a whole party of obstructionists, unfortunately, have blocked this bill, and one Senator in particular has kept us from moving on this bipartisan bill. It is one of the sad chapters of this Senate that a small minority, again, can block us from doing the things we ought to do in our jobs, what we ought to be doing.

I want to talk for a moment about some positive developments in my State. A couple of weeks ago I went to Lordstown, OH. It has a General Motors plant. I believe Governor Strickland was asked to drive the first red Cruze, Chevy Cruze, their highest mileage new car, off the line, followed by a white Cruze and a blue Cruze. You know the symbolism of that and the beauty of that and the inspiration of that in many ways was all about what has happened in the last 18½ months to the auto industry.

I am particularly proud. I do not come to the floor and endorse one particular company ever. I am not doing that. I am proud of this because of what it looked like a year and a half ago.

Now, 18 months ago we remember what happened: Barack Obama took the oath of office. The banks had about imploded. We knew the financial system was close to collapse. We knew the auto industry was facing bankruptcy.

President Obama took office in the midst of losing 700,000 jobs a months. President Bush was leaving office, having left us—the largest in history at that time—the largest budget deficit in the history of the United States of America. That is what we started with 18½ months ago.

When you think about what it meant in the auto industry—I know my State is considered an auto State. New Mexico may not be, but New Mexico has some number of component manufacturers and a lot of car dealerships.

The car dealerships in Taos or Albuquerque or Truth or Consequences or anywhere necessarily in the State are often so involved in the community: helping Little League, helping scholarships, all of the kinds of things the good citizens, especially auto dealers, do. But I think about what this meant.

So 18 months ago when this auto industry was about to crash, literally—pardon the pun—what it would have meant in my State, it would have meant tens of thousands of retirees would have possibly lost significant amounts of pension and health care they had as 25-, 30-, 40-year employees of General Motors or Chrysler.

We know it would have meant a huge number of lost jobs, thousands of lost jobs, just in the auto companies, let alone all of the suppliers, what are called tier 1 suppliers, tier 2 suppliers, those small companies, small- and medium-sized companies that are suppliers. They are machine shops, tool-and-die makers, stamping plants, all kinds of companies that make components that go into the auto industry, that go into the trucks and the cars. They would have gone out of business.

We knew all of this was about to happen. Because of the Recovery Act, and because this government decided, President Obama and the Democrats in the House and Senate—in spite of the naysayers, in spite of the people out there who said: Let the market work; if the auto industry collapses, it is the market speaking. Just let the market work. Let the free market work. If we had listened to them, listened to the naysayers, listened to the people who are the doom-and-gloom crowd, my State would have gone into a depression. We would have lost thousands of auto jobs. Senior citizens relying on those pensions and health care would have been, in many cases, abandoned. The dealerships, the component manufacturers, and the auto company employees themselves would have been out of work.

As I said, we did not listen to the conservative politicians and say: Let the market work. We did not listen to the naysayers. We did not listen to the doom-and-gloom crowd who said: It is not our problem. The Federal Government has no business.

Well, the fact is, the Federal Government invested in the auto industry. Instead of losing 700,000 jobs a month, as we were when President Obama took office 18, 19 months ago, we are now gaining jobs. We have gained jobs in this country in the private sector for 7 or 8 straight months. Not enough, not even close to what we want to do in New Mexico or Ohio or any other State, but clearly we have seen some good things happen.

What has happened in the auto industry is particularly interesting. At this GM plant in Lordstown, right where I was—and I have been there many times, where I was a couple of weeks ago with Governor Strickland—we have seen—there are 4,500 people working in that plant now. They just added 1,100 jobs to do the third shift of the Chevrolet Cruze. But what is particularly great about that, if you are the Senator from Ohio, is in Defiance, OH, western Ohio, near the Indiana border, is where they make the engines for the Chevy Cruze.

If you travel northeast of there to a Toledo suburb called Northwood, that is where they make the bumpers for the Chevy Cruze. If you go into the city of Toledo, that is where they make the transmission for the Chevy Cruze. Then you go east to Parma, OH, that is where they stamped most of the components for the Chevy Cruze.

Then you drive east to the Youngstown area, Mahoney Valley to Lordstown. They do some of the stamping, and that is where they do the assembly. So hundreds and hundreds and hundreds of new jobs were created—well, thousands—up and down the supply chain, from the most basic bolt, the most basic component in an engine or the most basic component in a car door or anywhere else in that car, to the ultimate assembly in Lordstown. It means thousands of jobs.

Again, if we had listened to the doom-and-gloom crowd and the naysayers, it never would have happened. We also need to learn from history. When government is in partnership with the private sector, with private businesses and communities, some pretty good things can happen. Just take this for a moment.

For 8 years, January 1993 to January 2001, President Clinton, during his time as President, we saw a 22 million private net increase, 22 million job increase.

We also saw wages go up in this country, and President Clinton left us with the largest budget surplus in American history: 22 million jobs, an increase in wages, largest budget surplus in American history.

In the next 8 years, January 20, 2001, to January 20 at noon, 2009, those 8 years of President Bush, 1 million jobs increased, 1 million, not even enough to take care of our sons and daughter who have graduated from high school and are entering the workforce, coming out of the Army, coming out of high school, coming out of college, not even enough to absorb the population growth.

Wages were actually flat or went down for the great majority of Americans during those 8 years, and President Bush left us with record budget deficits. So 22 million jobs, 1 million jobs, incomes went up, incomes flat and went down, biggest budget surplus in American history, record budget deficit under the Bush years.

So if you go back further, you hear the Republicans, my colleagues on the other side of the aisle, talk about this philosophy: Cut taxes on the rich, and you cut taxes on corporations, you are going to have job growth. Well, nice try. It is not what happened.

After the Ronald Reagan tax cuts for the rich in 1981, the next 16 months we had declining employment in this country, 16 months in a row of lost jobs after this tax cut, which was going to make the economy take off. Fast-forward 1993, President Clinton. He had some tax increases on the wealthiest taxpayers. He also had some budget cuts, and he moved toward a balanced budget.

Employment took off—22 million jobs. President Bush, 2001, big tax cuts for the rich in 2001, big tax cuts for the rich in 2003, basically no real significant increase in jobs during those 8 years. Now, the mantra of the Republicans, those who are on the ballot this year and those who sit across the aisle from me, again, is, let's do more tax cuts because that increases jobs.

It does not. What increases jobs is investment in education, investment in health care, investment in infrastructure, reducing the deficits—all the things that Republicans pay lipservice to but in the end simply do not deliver on.

We have an opportunity next Monday. This coming Monday, we are going to bring a bill to the floor that is the other part of this: How do we create jobs? That is, we are going to begin to finally move to fix some of our tax laws, and then next will be some of our trade laws so that we quit losing so many jobs to China.

Mr. President, 30 percent of our GDP in 1980 was manufacturing, almost 30 percent. Now it is down to 11 percent of our gross domestic product. A big part of that is trade policy, which the Presiding Officer opposed when he was in the House of Representatives, PNTR with China and the Central American Free Trade Agreement, and before that, when I was in the House, my first year, the North American Free Trade Agreement, which we opposed.

Those trade agreements, coupled with tax law, has encouraged companies to move overseas. Those days have to be behind us. What we are going to do on Monday night is vote on legislation that will begin to turn the corner, will begin to take away those tax incentives for companies to go overseas and replace them with tax incentives for businesses that manufacture in Shelby, OH, and in Ravenna, OH, and Zanesville, Ohio, and all over this country.

At the same time, President Obama, the first President in years in either party, is beginning to enforce trade law. We know what that meant in Findlay, OH, when he enforced trade laws with the International Trade Commission and the Department of Commerce, on Chinese tires that had been dumped, sold illegally into this country.

When President Obama enforced those trade rules against the breaking of the law that the Chinese Government did, immediately we saw several hundred jobs created—100 of them in Findlay, OH—several hundred jobs created all over the country.

When the President did the same thing on something called oil country tubular steel—it is the steel, the seamless steel pipes, these tubes that are used for oil and gas drilling—we immediately saw a commitment, an investment, which will result in 400 jobs in Mahoning Valley in northeast Ohio, and a good many jobs in Lorain, OH, a city I lived in for a decade west of Cleveland on Lake Erie.

We were able to do that because, finally, it is the Democrats, working with President Obama, who are enforcing trade law and beginning to change tax policy so we see job creation.

I do not care where you live in this country. People are just sick and tired of not being able to find American-made products. This is made in China. This is made in India. This is made in Brazil. This is made in Honduras. This is made in Bangladesh. Nothing against those countries, but oftentimes, especially the Chinese, their government is gaming the system. They are not playing fair on trade. We need a whole different trade regimen. We need a whole different tax system so American companies are no longer going to China to find cheap labor, weak environmental rules, unenforced worker safety rules, and can produce and then send it back to America.

I think this is the first time since colonial days where the business community, where a lot of large manufacturing companies—and I make the distinction between large and small because small manufacturing companies do not do this but the large manufacturing companies. Ten years ago they came to lobby Congress to pass the permanent normal trade relations with China. Ten years ago this month the Senate, for all intents and purposes, sold out American manufacturing. They passed PNTR, it was called. It used to be called most favored nation status with China. They changed the name because it did not sound very good.

Congress passed that 10 years ago. What that has meant is our trade deficit with China has almost tripled in that period of time. What the business community has done, the large companies have done, is this: They lobbied to change the rules. Then they moved production from St. Clairsville, OH, and Portsmouth, OH, and Springfield, OH, to Shanghai and Wuhan and Beijing, and Huang Jo, China, to make those products. Then they sold them back to the United States.

I don't think since colonial times that large companies in one country have adopted that kind of business plan where you move production out of your country, make it somewhere else, add all that value to those products, and then sell them back into the home country where the corporation headquarters is located. It doesn't make sense for us. It means far too many lost jobs.

I will give an example. There is an industry in which many Ohio companies are involved, the paper industry. There is a specific kind of paper called a glossy paper used in magazines. China didn't have that industry. It is called coated paper. Twelve years ago China did not have a coated paper industry. They began it similar to the last decade when they built wind and solar, clean energy industries, and somehow started to lead the world, as we have unilaterally disarmed. Now they buy most of their pulp in Brazil. So they grow the trees, cut down the trees in Brazil. They ship the wood to Chinese paper mills. They manufacture the coated paper in China. They ship it back to the United States. They underprice American paper companies

which buy the wood sometimes within a few miles or a few hundred miles of where they are, which tells me, even though wages are less in China, even though they don't have much enforcement of environmental rules or worker safety rules, they are gaming the system with currency, with subsidies, free land, all the kinds of things the Chinese Communist Government does.

Until we enforce trade laws so we play fair and compete, we will continue to lose manufacturing jobs. That is why Monday night is an important first step as this Senate moves forward on dealing with the problem of outsourcing jobs. There are few things we can do in this body more important than beginning to rebuild manufacturing. We know how to make things. My State is the third largest manufacturing State in the country, behind only California and Texas, which are two and three times the size of Ohio in population. We know how to make big and little things. We have the largest ketchup manufacturing plant in the world in Freemont. We have the largest insulation company making fiberglass anywhere in the United States in Newark. We know how to make things in our State. We just need the opportunity, a level playing field, tax law and trade law that puts the United States of America on a level playing field. We know we can compete with anybody. We just need the opportunity.

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. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. CASEY. Mr. President, I rise to talk about two basic topics today. But first, for today, in light of the news that so many people have been discussing today and reporting on today, which is the implementation today of some parts of our health care bill, the Affordable Care Act, which we passed back in March after many months of debate and work on that legislation, one of the most popular but essential elements to that bill was a whole series of consumer protections which in some ways does not fully describe what they are. I would rather use the phrase ''family safeguards,'' to give families some peace of mind not just on the broader question of insurance coverage for those who get sick and need coverage. We all need health insurance at some point in our life, sometimes more than others, but especially if you are a child with a preexisting condition.

For so many years we have allowed a system to say to that child and to his or her family: We know you have a preexisting condition. It might be something serious and life threatening, but the system does not allow you to be covered for one reason or another.

Finally, at long last, in 2010, we said no to that denial. So now we are able to say that fear that a child would feel, especially his or her family, can now have peace of mind to know that if a child in the United States has a preexisting condition, that will not be a bar to coverage, therefore, to treatment. Of course, it also impacts adults. We have seen stories about adults who will benefit from the bill on the preexisting condition problem that so many people find themselves in. The implementation of the children's provisions goes into effect now. The adults will come later. But even in the short run, the bill allowed for and developed a high risk pool, even for adults with preexisting conditions. Of course, the full protection won't be in effect for a couple of years. But at least and at long last children will have that protection.

The other protections among what I call family safeguards are some basic protections that we should all have a right to expect but, unfortunately, a lot of families haven't had these protections. For example, preventing insurance companies from arbitrarily throwing people off their insurance coverage or denying them coverage for reasons that do not make a lot of sense, but I guess they made sense to big profitable insurance companies over many years. They won't be able to do that any longer. They will not be able to put lifetime limits on one's coverage or treatment. The limits annual in nature will be more limited. It will be more difficult for insurance companies to place annual limits.

One of the provisions that has received a lot of attention and speaks right to a need a lot of families have is when a young person, say someone who is finishing college and needs some coverage between the time they are in college and the time they reach the age of 26, they will now be covered. So if we go down the list, it is a long and substantial and significant set of consumer protections which does provide some degree of safeguard and some degree of peace of mind to our families.

Unfortunately, in the midst of all that, in that ocean of good news on these consumer protections, we have some bad news which is disturbing. When we were debating health insurance in Washington and around the country, we would have a lot of fights with insurance companies. Some of them came around and worked to pass the bill. Some did not.

But there was an attempt to work together constructively to develop good legislation.

Well, unfortunately, a few—not all but a few—took a step the other day which was outrageous, insulting, egregious, and harmful to what we are trying to do to make sure children and families have that peace of mind I spoke of earlier.

Several health insurance companies have announced they are going to stop offering child-only health insurance plans because they are no longer allowed to discriminate against children with preexisting conditions, such as, for example, asthma, just to name one.

Why would insurance companies do that? Right before this provision goes into effect, at the eleventh hour so to speak, they start dropping this kind of coverage. It puts hundreds of thousands of children at risk. The Obama administration estimates that 100,000 to 700,000 children could be affected by these changes.

I believe it will be outrageous if one child is affected by this—literally one child—when we have provisions going into effect that are going to at long last protect kids; that a couple insurance companies that make a tremendous profit—which I will get to in a moment—take this step to change their strategy as it relates to kids. Many of the children who will be affected by this adverse decision by these few insurance companies are in families who are struggling just to get by now and cannot afford to pay for insurance for their whole family, but they are trying to keep their kids insured.

A lot of parents do that all the time. They forego their own coverage and their own health care and sometimes, literally, their own health in order to protect their children, in order to provide a child with some treatment, some care, some protection. Yet we have these few insurance companies that are taking this action, which is outrageous and disturbing, and that is an understatement.

Several of the companies that have decided to take this action—this action that is harmful to America's children—some of these companies have operations in States such as Pennsylvania. Aetna is one of them. The companies that have decided to stop offering health insurance to children are few. I mentioned Aetna. Another is Cigna and another is Anthem Blue Cross. As we know, Anthem Blue Cross is owned by WellPoint.

Listen to this: In 2009, these three health insurance companies that are discontinuing their child-only plans had $7.3 billion in profits. That is not gross revenue, folks. That is profit, $7.3 billion. WellPoint, which owns Anthem Blue Cross, $4.7 billion in profits; Aetna, $1.2 billion in profits; and, finally, Cigna, $1.3 billion in profits. They are firms that are doing this, taking this action just before today's provisions to protect kids on preexisting conditions take effect.

So it is my hope—and I believe they will do this—the Department of Health and Human Services will take every step necessary to have this decision by these companies reversed. I hope there is some way to sanction or punish insurance companies that do that. I am not sure that is possible. There are a lot of debates about what can be done. But I would hope—short of action by a

Federal agency or short of action by a State government authority or agency—these insurance companies would rethink their policy, rethink the action they took, which will be harmful to children because if they do not, it calls into question their commitment to what we have been trying to do in this country for a long time. We finally got over the hump, so to speak, and passed legislation not only to cover more than 30 million Americans but at long last to provide coverage and support for children.

Of course, one thing we found out in the health care debate last year was, this is not just a debate about the uninsured—the more than 30 million who will be covered—this is as much a debate about the insured, the more than 80 percent of Americans who had insurance coverage but not the protections they should have a right to expect. That is why we needed these consumer protections on preexisting conditions, on protecting families from being thrown off arbitrarily—the annual limits, the lifetime limits—all of those features that we had to get enacted into law because that was the way to protect people with insurance coverage who thought they had more protection than they really did.

So I hope this is just an egregious example and a decision that was implemented by these health insurance companies that will be, in fact, reversed because, as I said before, if it is not reversed, it does call into question what these insurance companies that are taking this step are all about.

Are they for record profits or are they going to try to help our families in a reasonable way?

We are not asking them to do something that is unreasonable or inconsistent with their business model or inconsistent with having a profit. We are just saying: Why don't you do what all the others are trying to do? Why don't you do what the American people expect you to do, which is to take every step necessary to protect our kids, especially children who are vulnerable and do not have lobbyists standing up to fight their battles and do not have a lot of campaign money in the middle of an election year? Vulnerable children—unless someone in one of the two Houses of Congress stands up to fight for them, or somebody in the administration—do not have much power around here. So I would hope these insurance companies would rethink that decision, and we are waiting and watching to see what they will do.

UNEMPLOYMENT

Mr. President, let me just shift gears quickly. I know we have limited time, but I did want to talk a little bit about the job situation that confronts so many families, so many communities in our country, as well as some steps that have been taken recently to help deal with the unemployment rate and the economic circumstances we find ourselves in.

In Pennsylvania, we have hovered around 590,000 people out of work for many months now. Fortunately, it has dipped a little below 590,000. But when you are getting close to 600,000 people out of work in a State such as Pennsylvania, people are really hurting. Our rate does not tell the story. We have been below 10 percent for a while, but almost 600,000 people out of work is a horrific nightmare for those families in a lot of communities.

I spent, as a lot of Members in the Senate, several weeks in August and September traveling to many communities in Pennsylvania. I got to a little more than 30 counties, and it was remarkable but also disturbing to see the breadth and the scope of the unemployment problem in a State such as Pennsylvania.

Some parts of the State are doing better than others in keeping us below 10 percent unemployment, but there are so many communities where there is a very high rural population—a lot of small towns—having very high unemployment rates.

Just to give a couple examples of places I visited that are smaller communities or smaller counties and to some degree or another largely rural—sometimes 100 percent rural or at least half by the way they categorize them demographically—Cambria County, where Johnstown, PA, is, always has had a high unemployment rate. They are at 10 percent, persistently at that level. In that county that means 7,000 people were out of work, and that is as of the July numbers. I have not seen the latest, but it is in that category; Clarion County, a place I visited as well, almost 10.5 percent, with 2,200 people out of work in that community; Forest County, a very small county by way of population, right in the north central region of our State, 10.6 percent unemployment; Jefferson County, a larger but still not a big urban or metropolitan community, that county has almost 2,500 people out of work, over 10 percent unemployment; Lawrence County, Lehigh County, Luzerne County—all above 10 percent unemployment. Luzerne County is right next to Lackawanna County, where I live. It is approaching 11 percent.

But then here are the ones that probably tell the story best.

Philadelphia is now at about 12 percent unemployment. The rate is very high. When we are hovering around 12 percent in that city, we have almost 75,000 people out of work—in just one city in Pennsylvania, 75,000 individuals out of work.

Then we go to north central Pennsylvania and visit Potter County, a county which is categorized as almost 100 percent rural, with a very small population, under 20,000 people. They have almost the same unemployment rate that Philadelphia has—a little less, but it is about 11.5 percent. As of July, it was at about 11.2 percent. So it has hovered between 11 and 12 percent.

So in Philadelphia, having an 11- or 12-percent unemployment rate means 75,000 people; in Potter County that translates into just about 900 people, just hovering around 1,000 people. So even in a very small county, the loss of one business, one factory, one plant can mean devastation for that county and that community. That is whether you are in urban Pennsylvania or rural Pennsylvania, even in suburban areas, which got accustomed to 5 percent unemployment or maybe 4 percent unemployment and are now at 7 percent or 7.5 percent or 8 percent. Of course, Pennsylvania's rate is not nearly as high as some across the country.

So people might say: Well, what has the Congress been doing about this over the last 18 months, and especially over the last couple months? Well, we could point to the Recovery Act, which I realize has not been popular around the country. But the Recovery Act created 3 million jobs. It was one way to directly and positively impact the job situation. When we lose 8 million and create about 3 million in the Recovery Act, that is a good start but not nearly enough.

One of the best things we did was just a couple days ago—and we should be able to have it signed into law in a few days—was the Small Business Jobs and Credit Act, which, by the way, had no deficit impact. In fact, it will save a little bit of money over the next 10 years. But there is no adverse impact on the deficit.

Mr. President, there will be $12 billion directly to small business, a $30 billion loan fund for our smaller banks, our community banks. Most banks in the country are at that level. They are not the big banks on Wall Street. They provide direct help to small businesses in communities across States such as Pennsylvania and throughout the country.

That bill alone, according to the community bankers, will create 500,000 jobs. That got voted on last week. Sometimes when things like that get voted on, we move on to something else and people do not always notice it. I think it is very important for people to know we do not believe—I do not believe, and I think a lot of people in this Chamber do not believe—we are out of the ditch yet. We are still pushing and pushing to get this economy back to a position where we are getting the kind of robust growth we need. We are in positive territory. We are not losing 700,000 jobs a month or 600,000 jobs a month like we were in December of 2008 and January of 2009 and February and March and April—month after month, every single month for many months losing that many jobs.

So we are moving in the right direction. But we have a ways to go. I would hope that not only next week but when we come back in November the other side of the aisle would present some job creation strategies. I have not heard much. I think 39 out of 41 members of the Republican caucus voted against the Small Business Jobs and Credit Act: $12 billion of tax breaks for small business, a $30 billion loan fund which

can leverage hundreds of billions in economic activity and job creation activity across the country.

So we have more to do, and we have a ways to go. We have to keep focused and stay focused on strategies that will create jobs in the near term and certainly over time, but especially those strategies that will create 50,000 jobs or 75,000 jobs or 100,000 jobs. As we go, we can continue to create jobs and grow the economy. When we do that—as we learned in the 1990s—we can grow the economy and make good investments in health care and in our infrastructure and in education and in our workers and their skills. We can also do deficit reduction and debt reduction over time. But we cannot do those three things until we are growing in a way that is substantial enough to do at least those three: grow enough to create jobs, reduce the deficit, and even to reduce debt.

So we have a way to go, but I think we are headed in the right direction. I am looking forward to seeing the Small Business Jobs and Credit Act enacted into law, working to help our small businesses and our smaller communities, especially those I have highlighted across Pennsylvania and across the country that have had tremendous and horrific job loss over the last 2 years to 18 months.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

GLOBAL WARMING

Mr. WHITEHOUSE. Mr. President, I come because we are coming to the end of our workweek. Many of our colleagues are gone already, and others are preparing to go. Another week has gone by in which the Senate has taken no action whatsoever with respect to the continuing pollution of our atmosphere by carbon, which we subsidize by allowing our biggest polluters to do it without cost or consequence. The effects of that on our world continue to manifest themselves. This is one of those issues where we can come to an impasse in the Senate and the foes of doing anything about moving to clean energy jobs and requiring carbon polluters to actually pay a price for their pollution can stop all that. It may seem like a victory, but the problem is there is a real cost to continuing to pollute our atmosphere with carbon. It does trap heat. It does warm the planet.

Those are scientific verities that are unavoidable and the consequences continue to cascade through our world, through the environmental systems of which it is made up. The evidence of that continues to emerge.

Frankly, Mother Nature does not care about what happens in the Senate. She is not subject to our law. She is not subject to our opinion. She will continue to do her thing. It is up to us to be prudent and thoughtful caretakers of our planet and sensible men and women and take the appropriate steps so we can head off the disasters she is loudly signaling are coming our way.

I thought I would share just some of the continuing cascade of evidence and news that is coming out on this subject.

The first thing I will mention is a report from Science Daily that came out about a week ago. According to NOAA, the National Oceanic and Atmospheric Administration, the U.S. Government agency's recent state of the climate report, the lower 48 States, as a whole, experienced the fourth warmest summer on record, with average August temperatures 2.2 degrees above the last century average.

The American Southwest experienced its warmest summer ever. The Midwest experienced its third warmest summer. The Northeast, where I come from, where my home State of Rhode Island is, experienced its fourth warmest summer ever recorded. Indeed, Rhode Island experienced its hottest ever July on record.

The increase of temperature in our weather systems has the effect of adding energy into those weather systems which suggests that storms are made more frequent and more powerful. Sure enough, the facts confirm that as well.

In 2007, Environment America analyzed rainfall data and determined in a report that came out more recently that extreme precipitation events had increased across the United States by 24 percent between 1948 and 2006. The region in which the extreme precipitation events—these major storms with extreme levels of rain or snow—faced the greatest increase was in New England, with a 61-percent increase from 1948 to 2006. Within New England, the State that faced the greatest increase was my home State of Rhode Island, with an 88-percent increase in extreme precipitation events.

One of those extreme precipitation events was the March flooding in my home State, in which our rivers—the Pawtuxet, Blackstone, and Pawcatuck—some of them went above 100-year floodplain levels. Some of them reached areas beyond 500-year flood levels.

Clearly, something is changing. Actually, there were two floods that happened back to back, just weeks apart. I visited homes in West Warwick, where the mud and the flooding had brought into people's homes and basements thick muck they had to dig out and clean up. As soon as they had dug it out and cleaned it up, boom, it happened again. It was absolutely heartbreaking for them. One can imagine how frustrating it is to go into your home, your basement, to see what used to be a nice area, what used to be clean, what used to be dry, where your children kept their photo albums, you might have kept old papers, things that were important to you, televisions, sofas, and now just a sea of filthy mud that you are going to have to figure out how to clear out and clean up, cutting out all the wallboard, cutting out everything that is wet, having to rebuild. The frustration of having to do that—people lead busy lives, they do not need that—and then, boom, to have it happen a second time as soon as it was done is unbelievably frustrating and disheartening.

Those are the kinds of extreme and unpredicted weather events that are associated with a warming planet and the heating of the atmosphere.

It also changes the way different animals can live and migrate. One of them is the bark beetle. Earlier this month, the U.S. Forest Service predicted that outbreaks of spruce and mountain beetles in Western States will increase in the coming decades because of climate change. These beetles historically had their range kept in check by cold winters, which basically kill off the larvae, and that limits the reproduction of the beetles and it limits their geographic range. As the winters become warmer, then the beetles have survived—because the winters aren't as cold—so they continue to go out and do their thing. Their thing to do is to kill pine trees. The beetles have already affected more than 17.5, I believe, million acres of Western forests.

I have traveled out West. I was in Idaho a few summers ago, and you could fly over the mountains of Idaho and see entire forested mountains, as far as the eye could see from the plane, and it was dead and brown and it was because the beetle had gone in there and killed them.

These changes are going to continue. I can't estimate what cost it was to the industry or to Idaho's economy to have that massive die-off of pine trees, but, clearly, it is no good thing.

The ocean continues to send us warnings as well. According to the University of Colorado's National Snow and Ice Data Center—this again earlier this month—for only the third time in satellite history, ice has covered less than 5 million square kilometers of the Arctic Ocean. As a result of the trend that these researchers see, they warn that global warming could leave the Arctic sea ice free by 2030—20 years from now. Many of us will be around then to see that.

An ice-free Arctic Ocean has very significant repercussions for our world because it is the ice that reflects a great deal of the heat back out of the atmosphere in what is called the albedo effect—the reflection of it. If that is not there, instead there is a dark ocean absorbing the heat. It accelerates the warming and begins the feedback loop that makes the problem worse.

So it is significant that the Arctic sea ice is continuing to shrink and for only the third time in satellite history now has covered less than 5 million square kilometers.

If you go from the far north to the tropic seas, there are signs of distress there as well. On September 20, the New York Times reported that in 1998, 16 percent of the world's shallow water reefs died as a result of record warm temperatures. It is estimated that the die-off could be even worse this year. In May, more than 60 percent of corals off the coast of Indonesia's Aceh Province bleached and died after Andaman Sea temperatures reached 93 degrees Fahrenheit.

It may not seem significant that corals are dying. It may seem indeed insignificant to many of my colleagues. But these coral areas are the nurseries for tropical seas. Many species depend on them to basically grow and feed in their early stages, and if they die, it creates a cascading effect through the food chain that has potentially significant effects for our kinds of species—set aside the local economy wanting to be able to support snorkelers and people such as that who go to see these rare and special beauties.

Finally, the Scientific American reported earlier this summer that the average phytoplankton population in our oceans has dropped about 1 percent a year between 1889 and 2008, resulting in a 40-percent drop overall in phytoplankton.

What is a phytoplankton? It is one of the tiny plant—almost microscopic—species that grows in the ocean and floats free in the ocean. Is that important? It is important because zooplankton and phytoplankton—animal and vegetable plankton—represent the base of the oceanic food chain. They are what the little fish feed on, and the little fish are what the big fish feed on, and up you go.

We have never had a situation in which the bottom of the food chain began to collapse. But we have been seeing it over the past century, and we anticipate seeing a lot more because the carbon our polluters release into the atmosphere with impunity—subsidized by all the rest of us—ends up being absorbed by the ocean—80 percent gets absorbed, if I am not mistaken—and that changes the pH level of the ocean, how acidic it is.

The ocean, right now, is more acidic than it has been in 8,000 centuries, and 8,000 centuries is a long time. We are engaged in a chemical experiment with our oceans that has potentially vast consequences for them by just injecting all this carbon and waiting to see what happens. Now we are out, far enough outside the range of where, in human experience, there has been a pH that we are 8,000 centuries away from it being at this level. All that—the acidification of the ocean—makes it more difficult for these plankton to survive. So the crash we are seeing is consistent with the damage that carbon pollution does to our oceans.

I say this because I know we are not going to get anywhere with energy before the election. Maybe nobody cares. But again, we can be as ignorant as we please. We can be as pleased with ourselves that we have delivered for interest groups and special interests as we please. We can suggest to Americans that climate change isn't real or isn't happening. We can participate in the propaganda battle the big polluters are sponsoring to try to raise doubt about the established science. We can do all those things and we can claim victory and block legislation and we can serve our special interest supporters. We can do all those things to prevent any serious legislation from coming through this body for years and years and years and, you know what, the Earth will not care.

You cannot legislate our environment. King Canute could stand in the oceans and order that the tide not come in, and he could have all his courtiers and all his supporters around him. He could have all the people who keep him in office and provide campaign contributions and it wouldn't make a darned bit of difference. The tide comes roaring in.

Our job in this body is not just to represent special interests, not just to achieve temporary political victories, not just to block progress of bills that interests that support us disagree with. We have another job as well; that is, to look out for the welfare of our country and of the American people and to prepare when the Earth plainly warns us of coming dangers. It is in the service of that job that I intend to continue coming to the floor to remind my colleagues that no matter what their opinions are, no matter what their politics are, no matter what the interest groups that support them are, the facts continue to announce themselves, and the announcement they are making to us is a warning. If we are not smart enough—with our God-given intelligence and foresight—to read the warnings nature is giving us and respond appropriately before it is too late, then it will be on us that we failed to do so.

People will look back from 20 years hence, from 30 years hence, from 40 years hence—the young pages who are here in the well, when they are my age, will look back at this generation that sat in this Senate, in this year, on this occasion, at this time—and they will say: How could you have been so negligent? How could you have allowed the politics of the moment to put you on this march of folly that failed to protect us when you knew—when you knew?

So I intend to continue because this is an issue that will not go away. Nature's warnings to us are persistent, and I intend to be persistent as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

EXPIRING TAX CUTS

Mr. DORGAN. Mr. President, I will be mercifully brief. I wished to come to the floor to briefly speak about a couple issues.

First and foremost, the raging debate that is occurring in the country about the expiring tax cuts—the so-called Bush tax cuts that were enacted in the year 2001 that cut taxes across the board. They cut taxes more generously for the wealthiest Americans, but nonetheless they cut taxes for all Americans as well, and they were designed, in 2001, to expire this year.

I did not vote for them in 2001. I voted in 2001 against those tax cuts and not because I wouldn't want to provide tax cuts to the American people, but the proposition, I thought, was flawed. The President inherited the last year of President Clinton's fiscal policy, which produced the only budget surplus we had had in 30 years. From that budget surplus that year, the projection by economists was that we were going to have budget surpluses for the next decade. As a result of that, Mr. Greenspan, the Chairman of the Federal Reserve Board, had an apoplectic seizure. He said he couldn't sleep because he was worried we were going to pay down the debt too fast.

The Bush administration said: If we are going to have these surpluses, we must return surpluses to the American people. We have to do that through these tax cuts.

I stood on the floor, at my desk, and I said: Why don't we be conservative? Let's decide to wait and see what happens. If we do, in fact, have surpluses, let us provide some tax cuts. But all we have are 10 years of projections. We don't have the real surpluses; we just have projections.

The response was: No, we are not going to do that. We are not going to wait. We are going to have big tax cuts, with the biggest tax cuts going to the wealthiest Americans.

So they were enacted. I did not vote for them, but they were enacted nonetheless.

Almost immediately, we were in a recession. Almost immediately after that, our country was attacked, on 9/11, by terrorists. Then we were in a war in Afghanistan. Then we were at war in Iraq and a war against terrorism generally. We began sending soldiers overseas in harm's way, and thousands were killed and tens of thousands were injured in war. Still the question has always been and remains now, even while we are watching our soldiers walk into harm's way, when do I get my tax cut? Will I continue to get my tax cut next year?

Let me read something Franklin Delano Roosevelt said at a time of war. He said:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a shipyard, or on the farms or in the oil fields or the mines, producing the weapons or raw materials that are needed by our Armed Forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action. . . .That front is right here at home, in our daily lives and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure. . . .

''Everyone will have the privilege of making whatever self-denial is necessary.'' We all know self-denial when we see it. We go to the events when the soldiers and National Guard organizations mobilize to leave our country, leave their families, leave their jobs, and go to Afghanistan to fight, go to Iraq to fight. In the morning, they strap on ceramic body armor, load their weapons, and go on their way. Yesterday, nine of them were killed in Afghanistan.

The question here at home is not are we going to pay for the costs of war, because we have not, never have in years. And President Bush, who pushed the tax cuts, said: You will not pay for them. Some of us stood on the Senate floor and said: If we are at war, how about paying for the costs of war? Why do we send soldiers to war and charge it and say to the solders: You come back and pay the bill.

We are still at war, we have a $13 trillion debt, not having paid for a penny of the war, having put all the debt on the shoulders of those who will come home, then, to assume this debt. And now the question is, Can we extend the tax cuts for everyone?

Here is what I think we should do. I understand this economy is weak. I am not going to give a speech about what caused that. I have done that many times. This economy is still weak. I understand the virtue of saying to those earning under $250,000: We will continue to extend that tax cut. I would extend it for 2 years. That is what I think we should do in terms of being able, 2 years from now, to take a look at what is happening in our country, what are our needs in order to lift our country's economy back up. We need to tighten our belt on spending. We need to cut some spending. We also are going to need some additional revenue.

The question is, for those who are making $1 million a year in income and getting an $80,000 tax cut from the 2001 tax bill that was passed by this Congress, should they continue to get that $80,000-a-year tax cut at a time when we have a $13 trillion debt and we are still sending men and women to war, when they are risking their lives and we are not paying for any of it? Should we still do that? The answer, in my judgment, is no.

The American people are waiting and watching for some semblance of seriousness here, some serious approaches that will begin to address what ails this country. I think what Franklin Delano Roosevelt said is dead-on accurate: Not all of us can have the privilege of fighting our enemy in distant parts of the world, but for most of us, the front is right here at home in our daily lives and daily tasks, and here at home everyone would have the privilege of whatever self-denial is necessary, not only to supply our fighting men but to keep the economic structure of our country fortified and secure.

Is anyone going to think about the economic fortunes of America or is it just about ourselves individually? Isn't there a higher calling and higher purpose here in terms of making judgments about these things?

I think it would be wonderful if no one had to pay any taxes. That would be wonderful. But that is not the case. Who is going to pay the costs of some of the things that make this a great country? Who is going to build the roads? Who is going to build the schools and maintain the schools? Who is going to pay for the Centers For Disease Control? How about the Department of Defense? How about the U.S. Forest Service? It goes on and on. We can tighten our belt. Yes, we can spend less in a number of areas. I support that. But we have to have a fiscal policy that is serious. How on Earth, at a time when we are at war, can we decide that our priority is to give an $80,000-a-year tax cut beyond next year—an $80,000-a-year tax cut to someone making $1 million a year? That makes no sense to me.

I think it is time for our country to understand that our national security is not just about our soldiers who are fighting in the field. It is a requirement that we support them, not just by saying we support them but by at least some semblance of self-denial, at least by those who are making millions of dollars a year. The proposition is only to ask that they pay at the same tax rate that they paid throughout the 1990s when the country was booming, sufficiently booming that we had a budget surplus. That is the tax rate the wealthiest in America paid back then. It did not diminish the economy; it lifted up the economy, the fact that we had a fiscal policy that was not moving us deeper into debt but a fiscal policy, rather, that was leading us toward a balanced budget and finally a budget surplus.

I think there is a higher purpose, and all of us need to be called to that higher purpose. It is not about, will we get our tax cut tonight, tomorrow, or next month? Will the wealthy get it? Will everybody get it? That is not what is of interest. What is of interest to everybody in this country, I hope, is, what kind of a future will our children have in the United States of America? Will we allow them to inherit a country that is growing and expanding and providing opportunity for our kids?

I think it is very disappointing that we end this year having done so little because so much has been blocked in the Senate.

I noticed yesterday that another billionaire died in America. Boy, let me make sure I say that when someone makes $1 billion in this country, in most cases I say: You know what, you are extraordinary. That is a pretty extraordinary thing. Many of them have great talents, and good for them. But when billionaires die today, they pay zero estate tax. Think about that. Five billionaires died this year, and this is the year the estate tax went to zero. Some said it is the ''Throw Mama From the Train'' year. This is the year in which there is no estate tax on the assets of billionaires who have never borne a tax. Some of the wealthiest people in this country who have billions of dollars of assets have it through growth appreciation of stock, and they have never borne a tax on that to help pay for a kid to go to school or build a road or help support our Department of Defense and our national security. What a disappointment.

This country deserves better from all of us, to get this done. Again, I believe the best approach at this point is to say, yes, let's go ahead and extend these tax cuts for middle-income workers up to $250,000 a year. Let's do it for 2 years, and then let's see where we are and let's see what the needs of this economy are in order to be sure we have the opportunity to lift this country going forward and provide some economic opportunity in the future.

I wanted to mention one other issue. That is something that I and Senator BINGAMAN, Senator BROWNBACK, and others introduced yesterday. It deals with something called RES. That is not a foreign language, it is a renewable electricity standard. It is a policy that many other countries have and many of our States have. I believe there are 29 States and the District of Columbia that have renewable electricity standards saying it is our policy that electricity shall be produced from renewable sources for a certain percentage of the electric load.

We proposed 15 percent. We passed that on a bipartisan basis out of the Energy Committee. Why is this important? Because if we are going to be less dependent on foreign oil, move to less dependency on oil from countries that do not like us very much in many cases, if we are going to be less dependent on that, we have to change our energy mix. That means we have to produce more energy from renewable sources. We have to gather energy from the wind and the Sun, where the wind blows and the Sun shines, put it on a wire, and move it to the load centers. That changes the energy mix in our country. The way to do that is the way other countries and the way many of our States have already done it: drive it with a 15-percent renewable electricity standard. I prefer 20, but 15 is what we passed out of that committee, the Energy Committee.

It appears to me that now we are not going to get a larger energy bill in this Congress. That is too bad because we passed a bipartisan bill that would provide greater energy security for our country out of the Energy Committee. At the very least, let's pass a renewable electricity standard that is bipartisan, that will drive the production of new capability in wind and solar and other renewable sources.

In the second quarter of this year, we had a 70-percent reduction in wind energy production—that is the production of facilities to build wind energy. From last year, a 70-percent reduction. The reason? Because we do not have a renewable electricity standard. There was an expectation that we would, and we do not.

Let's not leave this Congress this year with so much unfinished business that I believe is essential to this country.

While I am speaking about it, let me make one additional point, and that is on another piece of legislation that must pass by the end of this year. It rests now in the Senate Finance Committee and it reauthorizes the Special Diabetes Program in this country that is so unbelievably important. The Special Diabetes Program helps all Americans, but it is especially targeted at Native Americans, who in some cases have rates of diabetes that are 10 and 12 times the rate of the national average. We must reauthorize the Special Diabetes Program. If my colleagues could walk into a dialysis center and see the number of people—on Indian reservations especially—hooked up to a dialysis machine, in some cases with only one leg or having lost an arm—the ravages of diabetes are unbelievable, and the number of new cases of diabetes among children of this country is just startling.

I want to show one chart about this. This chart shows the number of people in America over the past 30 years who have been diagnosed with diabetes. This is a full-blown, full-scale, unbelievable epidemic.

The Special Diabetes Program that I and Senator Domenici and Senator COLLINS and so many others have worked so hard on for a long time has to be reauthorized. I hope very much my colleagues will understand that this is not optional. Go to an dialysis center. Go to an Indian reservation and go to a dialysis center and talk to the people hooked up to those machines and see the amputations and talk to the relatives of people who have died in circumstances where people, over 50 years old on average, 50 or 60 percent of them are affected by diabetes. Especially take a look at the rate of diabetes among children on Indian reservations—and children all across the country. Then say to yourself that this bill doesn't matter. You cannot possibly say that. We must address this issue.

This Congress has done some big things, some important things, and there are some things yet to be done. It is not the end of the year. We have some additional time. My hope is that our colleagues can attempt to give us the best of what both political parties have to offer rather than the worst of each. The American people expect more and deserve more from us.

I wonder sometimes how the majority leader is able to have the patience to try to find a way to steer almost anything through this Chamber. I said yesterday that even a Mother's Day resolution would likely engender a filibuster. It is very hard because we have people who see themselves as a set of human brake pads, whose only destiny is to try to stop everything. The problem is that there are a number of things that must get done for the economic health of this country and for the health of the American people.

I yield the floor.

SIXTH MONTH ANNIVERSARY OF THE AFFORDABLE CARE ACT

Mr. HARKIN. Mr. President, today marks exactly 6 months since the Affordable Care Act became law. And this truly is a banner day, because a key feature of the new law, the Patient's Bill of Rights, goes into effect—cracking down on the worst abuses of health insurance companies and giving Americans important new protections. These reforms are long overdue, and represent a new day in American health care. We are creating a reformed health insurance system that works in the interest of working Americans and their families—the healthy and the sick—and not just to boost the profits of insurance companies and the bonuses of their executives.

Starting today, insurance companies will no longer be allowed to cancel your policy if you get sick. They must end their abusive practice of scouring your health records for an excuse—any excuse—to cancel your coverage and leave you high and dry when you need insurance the most. One major insurer actually targeted women who were newly diagnosed with breast cancer. No longer will insurance companies be allowed to reward employees with bonuses for cancelling policies in order to pad company profits. This cruel practice, at long last, is illegal.

Starting today, children with preexisting conditions can no longer be denied health insurance. This will ensure that all children receive access to preventive care and needed treatments and healthy start at life.

Beginning today, lifetime benefit limits on your health insurance plan will be banned, and annual benefit limits will be restricted. Over 100 million Americans have health plans that include a lifetime limit, which, in times of serious illness, can cause the loss of coverage when patients need it the most. No longer will a diagnosis of an acute illness such as cancer or ALS lead a patient to rapidly max out their health benefits.

Starting today, parents will no longer have to worry that their children will be kicked off their health insurance plan when they turn 19 or finish college. Today, millions of American families with young adult children who don't receive health insurance through their employer will be able to keep their children on their family plan until age 26. I know that in my State of Iowa, this will help over 8,300 young adults this year.

Today, Americans receive yet another protection against health insurance company abuses. Starting today, if an insurer refuses to pay for your test or treatment, you are guaranteed the right to appeal that decision. If your appeal through the company is not favorable, you have the right to an independent appeal by a third-party reviewer. This is one of many new reforms that will keep insurance companies from boosting profits at the expense of sick patients.

And finally, today is a landmark day in the effort to transform our current sick care system into a true health care system—one focused on wellness, prevention, and public health—keeping people out of the hospital in the first place. That is why I am particularly pleased that, starting today, health plans must cover proven preventive services at no cost to the patient. This means that, starting today, you can visit your doctor for tests such as mammograms and colonoscopies for prenatal care, or for immunizations such as the seasonal flu shot, without paying a deductible, co-pay, or coinsurance. This represents an enormous benefit to the health of Americans, and to the well-being of this country. Because there is no better way to bend the cost curve downward than by keeping people healthy and catching illness in its earliest stages.

As I travel around the country, I hear from so many folks who have already benefitted from health care reform, and look forward to the many additional improvements still to come. I hear from mothers who are relieved their children can no longer be denied coverage for their asthma, from working families who will no longer have to worry about the cost of a co-pay for their annual flu shot, and from seniors who have received a $250 rebate check to help with the cost of their prescription drugs.

Starting in January, seniors will also receive free preventive services—plus an annual wellness visit—through Medicare.

I talk to small business owners who have benefitted from the tax credits that make providing health coverage to their employees more affordable.

I would like to take a moment to share how health reform is helping everyday Americans by putting people ahead of profits. I recently learned about the case of a young Iowan from Cedar Falls, Sarah Posekany. She is just one of millions of Americans who have been plunged into financial ruin because their insurance company cut them off after they got sick.

Sarah was diagnosed with Crohn's disease when she was 15 years old. During her first year of college, she ran into complications from Crohn's, forcing her to drop her classes in order to heal after multiple surgeries. Because she was no longer a full-time student, her parents' private health insurance company terminated her coverage.

As Sarah puts it: ''They didn't want to help, so I had to let the medical bills pile up.''

Four years later, she found herself $180,000 in debt, and was forced to file for bankruptcy.

Sarah has undergone seven surgeries. And here is what is most disturbing: Two of those surgeries came as a direct result of her not being able to afford medication.

Sarah said: ''When I don't have any insurance, and can't afford to treat myself, the disease progresses to the point where I need surgery.''

Sarah still wants to pursue her dream of becoming a nurse. But her bankruptcy and crippling debt will follow her wherever she goes, all because her parents' insurance company cancelled her coverage exactly when she needed it most.

Today is the day that we put a stop to these kinds of tragedies—experiences like Sarah's, that are a stain on our past. Today, our health system takes another giant step toward working not just for the healthy and the wealthy but for all Americans.

These reforms represent such enormous progress, such a dramatic improvement in the daily lives of millions of Americans. Frankly, I am astounded that my colleagues on the other side of the aisle continue to call for the repeal of these historic reforms.

In fact, just this past weekend, a major contender for their party's Presidential nomination publicly stood up for insurance companies to defend one of their most egregious practices: discriminating against people based on preexisting conditions. He said that health insurance companies shouldn't be obligated to cover preexisting conditions—and let's not forget that insurers include pregnancy and domestic violence on their list of preexisting conditions—because paying for the care of the sick is like insuring a building that is on fire.

If that's how they characterize the millions of Americans with heart conditions, the millions of Americans who are cancer survivors, and the millions of Americans born with health conditions they have no control over—comparing them to burning buildings—then I can understand why it is so easy for them to lock arms with insurance companies and defend their discriminatory practices.

What this sort of thinking indicates to me is that many Republicans are sadly out of touch with the priorities of the American people. They continue to argue for repeal of a bill that puts an end to the most appalling health insurance company abuses.

They want to drag us back to a day where a bad diagnosis not only meant a health challenge but potential financial ruin.

They have spent months using scare tactics like claiming the bill cuts Medicare and hurts seniors when it actually strengthens Medicare. So far this year, seniors have seen prescription drug price relief, and very soon they will enjoy free preventive care and lower Medicare Advantage premiums.

Do my friends on the other side of the aisle really want to repeal the ban on denying coverage to children with preexisting conditions?

Do they want to overturn the provision allowing children to stay on their parents plan until they are 26 or can receive coverage through an employer?

Do they really want to turn to our youth at a time when they are most vulnerable and starting out in life and say, ''Sorry, when you get sick, you're on your own?''

Do they want to repeal the ban on insurance companies cancelling your policy if you get a serious illness like cancer or heart disease?

Do they want to repeal the ban on lifetime benefit limits and allow insurance companies to cut off your coverage when they determine your care hurts profits too much?

I can't for the life of me understand why Republicans think that repealing these new protections and benefits, and going back to the bad old days when health insurance companies held all the cards, is what Americans want.

And what about the health reform law's reduction of the deficit? I am just at a loss as to why Republicans are calling for the repeal of a law that ends insurance company abuses, expands access to care, and reduces the deficit by $143 billion in the next 10 years, and by nearly $1 trillion in the years after that.

There are so many good things in the health reform law, and there is much more to come. Just this week, a Families USA report highlighted the benefits this law will bring to my State of Iowa. When the full law kicks in, in 2014, over 261,000 Iowans will qualify for tax credits to help them purchase health insurance. These tax credits, which amount to one of the largest middle-income tax cuts in American history, will reduce Federal income taxes for Iowans by $974 million in the first year alone. And these tax breaks are targeted toward working families who have long struggled with the increasing cost of health insurance.

We have reached a historic moment in the history of American health care. A moment where the promise of health reform is becoming a reality for Americans. A moment where all patients—not just the healthy and the wealthy—have the rights and protections they need and deserve.

The Patient's Bill of Rights—the critical new protections that take effect today—is a giant step forward for the health and economic security of the American people.

Health reform is off to a very strong start. As many predicted, the new health reform law is growing increasingly popular as people get better acquainted with its broad array of benefits and protections. They like the new law's sharp emphasis on wellness and prevention. They want every American to have access to quality, affordable health care. They like the tax cuts to help working families afford health coverage.

And make no mistake: the American people are not going to allow these benefits and rights to be taken away.

Mr. LEAHY. Mr. President, for each of us, our health is among the things we care the most about. Certainly one of the most common requests any of us regularly make in prayer is for good health. And of course it is not only our own health we worry about; we also want good health and proper medical insurance for our children, our parents, our siblings—for all those who are important to us.

Medical knowledge and technology have advanced tremendously during the past two and a half centuries of American life, and the pace of medical progress is accelerating. But health insurance models have not. The deck has been stacked in favor of the insurance companies, and against the practical needs of ordinary Americans. For much of the last century Americans have pointed to the obvious need for insurance reform, yet the problems have only grown worse and more urgent, leaving millions of Americans exposed to the ravages of sudden illness and the wasting effects of declining health.

Six months ago today, President Obama signed into law the Affordable Care Act, which will extend health insurance coverage to more than 30 million uninsured Americans in the next few years. Reform based on good quality, affordable health insurance that has been talked about for decades is finally becoming a reality. Over 15 months starting last year, Congress debated and then passed the most sweeping and comprehensive reforms to improve the everyday lives of every American since Congress passed Medicare in 1965. It was an arduous process, but in the end the achievement proved that change is possible and that voices of so many Americans who over the years have called on their leaders to act have finally been heard.

Americans are already beginning to see some of the benefits of insurance reform. First, in states where individuals and families are excluded from health coverage because of preexisting medical conditions, these Americans can now buy insurance through special insurance plans overseen by the states and delivered by private medical providers. Second, employers across the country already have applied for and have been awarded early retiree reinsurance grants that will reimburse employers for retirees' medical claims.

Third, seniors on Medicare who have high-cost prescriptions typically fall within a coverage gap known as the ''doughnut hole.'' Beginning recently, beneficiaries who fall within the gap will receive $250 checks to help cover the cost of their prescription drugs.

And today, more benefits of real insurance reform go into effect that will help consumers take control of their own health care decisions. Known as the Patients' Bill of Rights, these new rules protect consumers against the worst health insurance industry abuses that have prevented millions of people from receiving the health care they need. Going forward, insurance plans can no longer deny children coverage because of a preexisting health condition; insurance plans are barred from dropping beneficiaries from coverage simply because of an illness; dozens of preventive care services must be covered at no cost and with no co-pay; Americans will have access to an easier appeals process for private medical claims that are denied; and adult children can stay on their parents' plans until their 26th birthdays.

Yet another major reform now protects everyday Americans from one of the most egregious insurance industry practices: setting lifetime or annual limits on health insurance coverage. Wherever I travel in Vermont I am often stopped in the grocery store, at church, on the street or at the gas station to listen to personal, wrenching stories from Vermonters who can no longer get medical treatment because they have met their annual or lifetime maximum. Many of these Vermonters were perfectly healthy before being diagnosed with cancer or diseases that can cost well beyond their means for treatment. Instead of being able to focus on getting healthy, patients instead must worry about whether or not their next doctor's visit will shove them above the insurance company's arbitrary limit.

Each of these stories is anguishing. Let me describe just one of them. A master's student from Saint Michael's College's graduate school, Ned wrote my office during the health care reform debate to share his story. A car accident when Ned was nine left him a quadriplegic. His health care costs since then have necessarily been high. In fact, recently Ned found that he had nearly met his lifetime limit on coverage from one plan and his only remaining option for health insurance coverage not only contained a lifetime cap on coverage but also a cap on expenses for durable medical equipment, which he uses frequently because of his wheelchair. But beginning today, Ned and millions of other Americans who fear reaching their coverage limits can rest easier knowing that their insurance will be there when they need it the most. Ned, and we, can look forward to a lifetime of the contributions that he will make to his community and our country.

In addition to improvements to our health insurance system that we will see this year, over time the Affordable Care Act will insure 95 percent of our population and make a substantial investment in our economic vitality in the years ahead. In addition to ending the discriminatory insurance company practices of denying coverage because of a preexisting condition or canceling coverage when beneficiaries get sick, the new law will lower costs for small businesses and individuals who simply cannot afford health coverage. And despite the specious arguments from opponents of reform, this bill is the largest deficit reduction measure upon which many in Congress will ever cast a vote. The Congressional Budget Office estimates that comprehensive reform will reduce the federal deficit by $143 billion through 2019, and by more than $1 trillion in the decades to come.

The Affordable Care Act is a tremendous achievement that will improve the lives of Americans for generations to come. For decades, we have heard heartbreaking stories about the enormous challenges Americans face because they are uninsured or underinsured. With each new implementation date of the features of the Affordable Care Act, these stories are becoming fewer and fewer and are being replaced by stories of the success of these reforms, one family at a time, all across Vermont and all across America.

There is still much more to accomplish, and there are still millions of Americans who are struggling to buy or keep adequate health insurance coverage for their families or themselves. As these reforms are implemented over the next few years, I will continue to work with Vermonters and the Department of Health and Human Services to help Americans have the access to the quality, affordable health insurance that each American needs and deserves.

Mr. JOHNSON. Mr. President, I rise today to recognize an important milestone in the effort of delivering meaningful health reform for all Americans. Six months ago, President Obama signed the Patient Protection and Affordable Care Act into law, and the first major patient protections now take effect to help Americans obtain and keep meaningful health care coverage.

I am reminded of all the South Dakotan families and businesses that have contacted me to voice their thoughts about health care, share their personal experiences, and find out how reform will help them. Reforms in place today end some of the worst insurance industry abuses by implementing a Patient's Bill of Rights. These provisions protect children with a preexisting condition from being denied coverage, allow parents to provide insurance for their children through their young adult years, prohibit profit-driven insurance companies from rescinding benefits as soon as someone becomes sick and eliminate lifetime limits and restrict annual limits on benefits.

As more provisions of the Affordable Care Act are implemented, it is important we do not forget the health care crisis facing our Nation and the consequences of inaction. The latest U.S. Census report confirms that, while some were spinning mistruths about a government takeover of health care, more and more Americans were losing their health insurance coverage. Last year, the number of insured individuals and families dropped for the first time the Census starting tracking that data in 1987. Nearly 51 million Americans are uninsured, compared to 46 million the previous year. The Affordable Care Act puts in place assurances that no more Americans will be priced out of the private health insurance market or denied coverage by discriminatory insurance practices. Americans will no longer pay more every year for fewer benefits, be denied coverage for a preexisting medical condition, or lose coverage altogether just for getting sick.

The Patient's Bill of Rights taking effect today eliminates the worst practices of the insurance industry that took advantage of American families for far too long. But insurance market reforms alone will not address all shortcomings of our health care system. The Affordable Care Act also includes important investments in strengthening and growing our health care workforce, improving access to preventive and wellness programs, and addressing waste, fraud and abuse.

I supported health care reform to give our Nation the best chance of improving our system and reigning in costs. One of our biggest challenges remains the fact that we spend more on health care than any other country, 50 percent more per capita than the next highest spender, and yet have poorer health outcomes than most. Health reform cannot change that fact overnight, but it does provide us with a path forward and the tools to improve the way our system works for everyone. Health economists have noted that reform finally implements a myriad of bipartisan proposals to rein in costs that have been circulating for decades. These commonsense changes to our health care delivery system will ensure we are getting our money's worth and ensure citizens have access to affordable health care. Health reform has made a significant step forward in addressing the drivers behind increasing health care costs and placing us in a more fiscally sustainable direction.

The new law isn't perfect—few major pieces of legislation are—and the work is not finished in delivering meaningful health reform for all Americans. But with inaction not an option, the passage of the Affordable Care Act laid the foundation for improving the American health care system. The new law is a product of compromise and in that same spirit I will continue to work with my colleagues to ensure health reform is delivering for South Dakotans and all Americans.

THE DREAM ACT

Mr. CARDIN. Mr. President, I rise today to express my support for the DREAM Act amendment to the 2010 National Defense Administration Act. This is bipartisan legislation that provides sound economic and national security benefits to our Nation.

I have long supported the DREAM Act primarily because it provides a pathway forward for young men and women who have played by the rules all of their lives, graduated high school and now want to give back to this country. These are young people who had no say in how or when they came to our country, but somehow, their parents or other relatives brought them here to live a better life.

Now, we could spend an infinite amount of time debating what to do with the undocumented adults who have come to the U.S.—and I hope that we do eventually get to that debate—but the focus of this measure is the children. We are talking about the innocent children, who, for the most part, have known no other home than America and deserve a way forward now that they are reaching adulthood.

Every year, thousands of undocumented students who live in the United States graduate from high school. Among these students you will find valedictorians, honor roll students, and community leaders who are committed to the United States and their local communities. It is estimated that there are 65,000 such young people who graduate from high school in the United States and find themselves unable to work, go to college, or serve this country in the military.

The young people who would be DREAM Act eligible would have graduated high school, passed a background check and be of good moral character. It is why the DREAM Act is supported by the Secretary of the Department of Education, the National Education Association, the Association of American Universities and many others. Leading businesses like Microsoft endorse the DREAM Act because they recognize these young people are talented and can be a benefit to U.S. businesses in this global economy. DREAM Act-eligible young people are exactly the type of individuals we want to be part of our great society.

The DREAM Act is a smart, targeted piece of legislation that will only benefit children who were brought to this country before the age of 16 and have been living here for at least 5 years.

From an economic perspective, the DREAM Act provides clear fiscal benefits to our local communities and our Nation. State and local taxpayers have invested time and money in these young people through elementary and secondary education expecting that eventually they will become contributing, tax-paying members of our society. With education budgets as tight as they are, why would any community throw away such an investment?

Take this for example: a young immigrant who graduates from college will pay $5,300 more in taxes and cost taxpayers $3,900 less in government expenses each year than if he or she dropped out of high school. Additionally, our own Department of Defense recommended in their 2010–2012 strategic plan the passage of the DREAM Act to help the military ''share and maintain a mission-ready All Volunteer Force.'' The former Secretary of the Army, Louis Caldera, stated ''the DREAM Act will materially expand the pool of individuals qualified, ready and willing to serve their country in uniform.'' The DREAM Act provides a smart and narrow pathway for eligible young people to go on to college or enter our military.

Lastly, supporting the DREAM Act is the proper next step toward taking up comprehensive immigration reform. The American people have spoken on this issue. They would like Congress to step up and deal with this issue. According to a recent Fox News poll, 68 percent of voters, including Republicans, Democrats and Independents, say that efforts to secure the border should be combined with reform of Federal immigration laws. I agree, which is why I voted in favor of providing $600 million for 1,500 new border patrol agents, additional monitoring and communications equipment in August. That funding and those resources were an important step to ensure our Nation's borders are secure; just like passing the DREAM Act is an important step to ensure our country has the best and brightest individuals contributing to our economy and society.

Additionally, the DREAM Act has traditionally been a bipartisan effort. During this Congress Senator DURBIN and Senator LUGAR introduced the legislation. But in the 108th Congress the legislation had the support of Senator HATCH, Senator GRASSLEY, Senator KYL and Senator CORNYN. During the last Congress, 23 Republican Senators voted in favor of this legislation when it was offered as an amendment to the comprehensive immigration reform bill. There is a strong bipartisan history to this legislation and strong public support.

No child should be held accountable for the sins of their parents. This targeted, bipartisan legislation recognizes this fact and shows compassion to the innocent. It provides a pathway forward for young men and women who have played by the rules all of their lives, graduated high school and now want to give back to this country. These are young people who truly deserve a second chance. I urge my colleagues to support this legislation.

REMEMBERING STAFF SERGEANT HAROLD ''GEORGE'' BENNETT

Mrs. LINCOLN. Mr. President, I rise today to honor the memory of U.S. Army SSG Harold ''George'' Bennett. In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, he became the first American prisoner of war executed by the Viet Cong. This year marks the 45th anniversary of his death, and I am proud to join his family later this month to posthumously honor him with the Silver Star, the third highest military decoration that can be awarded to a member of any branch of the U.S. Armed Forces.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values and rewards of service to country. All four would follow his footsteps into the U.S. Army.

SGT George Bennett was trained in the Army as an airborne infantryman and served with the famed 82nd and 101st Airborne Divisions, made up of some of the finest soldiers in the world. He earned his Master Parachute Wings and Expert Infantry Badge before volunteering in 1964 for service in what was a relatively unknown area of Southeast Asia called Vietnam.

While deployed, Sergeant Bennett served as an infantry advisor to the 33rd Ranger Battalion, one of South Vietnam's best trained and toughest units. On December 29, 1964, they were airlifted to the village of Binh Gia after it had been overrun by a division of Viet Cong. Immediately upon landing, Sergeant Bennett's unit was confronted by a well-dug-in regiment of enemy forces, and despite fighting furiously and courageously throughout the afternoon, their unit was decimated and overrun. Sergeant Bennett and his radio operator, PFC Charles Crafts, fell into the hands of the Viet Cong.

Before being captured, Sergeant Bennett twice called off American helicopter pilots who were attempting to navigate through the combat zone to rescue him and his radioman. Displaying a remarkably calm demeanor, his focus seemed to be on their safety and not his own. His last words to his would-be rescuers were, ''Well, they are here now. My little people [his term for the South Vietnamese soldiers under his command] are laying down their weapons and they want me to turn off my radio. Thanks a lot for your help and God Bless You.''

As a prisoner of war, the only thing more remarkable than the courageous resistance he displayed throughout his captivity was his steadfast devotion to duty, honor, and country. His faith in God and the trust of his fellow prisoners was unshakable. Sadly, the only way his captors could break his spirit of resistance was to execute him. Today, Sergeant Bennett lies in an unmarked grave known only to God, somewhere in the jungles of Vietnam.

Mr. President, Sergeant Bennett was a selfless young man who answered his Nation's call to service and placed duty and honor above all else. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our

hearts. While a grateful nation could never adequately express their debt to men like George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

TRIBUTE TO JENNIFER LAWSON

Mr. LEAHY. Mr. President, this week the Vermont Department of Education announced that Jennifer Lawson of Waltham, VT, has been named Vermont's 2011 Teacher of the Year. I am proud to call her selection to the Senate's attention, and I offer hearty congratulations to Ms. Lawson and thank her for her dedication to the students of Vermont.

A graduate of the University of Vermont with a bachelor's degree in elementary education and a master's degree in education from Connecticut College, Jennifer Lawson has spent 12 years in the classroom. Prior to her current role as a social studies and language arts teacher at Vergennes Union High School, she taught as an elementary school teacher in Vergennes. Her success as an educator stems from her ability to inspire students to challenge themselves and their peers in a positive learning environment. She champions her students' individuality and encourages them to bring their life experiences into the classroom.

In Vermont, schools are at the core of our communities. Our kids are the seed corn of the future that we want for our state and its people. Vermonters understand the importance of giving our children a quality education, and they understand that a child's education begins well before their first day of school and will continue long after their last graduation day. Jennifer Lawson brings this philosophy into practice every time she enters the classroom. She recognized quickly that educating students involves so much more than just talking about a subject.

Even outside the classroom Jennifer is involved in improving the education in her community. She serves on several of her school's committees, including the Adequate Yearly Progress Team for Literacy; she is a coleader of the Afterschool Program for Reading and Math; and she serves as a member on the assessment design and research team. Along with her efforts close to home she has been published nationally on alternative energy sources for schools and has given a presentation on Expeditionary Learning Schools for Outward Bound. I am glad that she will expand her role within our State even further this year as she consults with other educators throughout Vermont in her role as Teacher of the Year.

As I told Jennifer when I called her this week, Marcelle and I are proud of her and the extraordinary work she does on behalf of Vermont children. Vermont will be superbly represented in the national competition for Teacher of the Year next spring. I congratulate her on this honor, and I hope she spends many more years inspiring young minds.

I ask unanimous consent to have printed in the RECORD a copy of an article in The Burlington Free Press about Ms. Lawson.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Burlington FreePress.com]

VERGENNES TEACHER IS STATE'S BEST, JENNIFER LAWSON PLAYS TO HER STUDENTS' STRENGTHS

(By Lynn Monty)

Teacher Jennifer Lawson looked classy—but cool—dressed in tall green leather boots that matched her mohair vest and nail polish this morning as she guided her class through a lesson called ''echoes.''

One student said, ''They say I'm spoiled'' as another echoed back, ''I say I'm fortunate.''

Another said, ''They say I'm a geek,'' as another echoed back, ''I say they don't know me.''

The students wrote each statement and echo. The exercise is just one of the many tools 38–year-old Lawson, of Waltham, uses to empower her students and is part of the reason she was chosen 2011 Vermont Teacher of the Year.

Lawson is a middle school language arts and social studies teacher at Vergennes Union High School. As winner of the state award, she will travel across Vermont to work with other teachers and compete for the National Teacher of the Year award. In the spring, she heads to Washington for a reception at the White House. Lawson is a native Vermonter who has worked at VUHS for six years.

''It's amazing, humbling and flattering,'' Lawson said. ''It's an award for my students more so than for me because it's the students who get me excited.''

Lawson said it's important to her to know students individually and to recognize who they are. She said her goal as a teacher is to celebrate her students and broaden their perspective of the world. ''In a lot of ways school is home away from home,'' she said. ''The experiences here should be celebrated and connections should be made with their life experiences outside of school.''

Lawson taught at Vergennes Union Elementary School prior to taking the position at the high school. She has 12 years of classroom experience and holds a master's of education from Connecticut College and a bachelor's in elementary education from the University of Vermont.

Lawson's father, Robert Lawson, recently retired from the University of Vermont after 44 years of teaching. He has observed his daughter in the classroom on many occasions.

''It's a wonderful recognition,'' he said of the award. ''Jennifer is very fond of this community. She gives from her heart and mind and she teaches her students to problem-solve, to be cooperative, to read and to be friendly. I am just very happy for her today.''

As students left the soft lighting and comfy couches in Jennifer Lawson's classroom to attend the assembly being held in her honor, eighth-grader Dana Ambrose, 13, praised his teacher. ''She's really great and helps us a lot. Personally I don't read that great, but she has helped me improve. I am thankful for that. She's a great teacher and just loves to help everybody.''

Vermont Education Board Chairwoman Fayneese Miller said that when the Department of Education chooses a teacher of the year, the goal is to choose someone who has the ability to excite young people, to encourage them to use their imagination and to think about possibilities. ''I think that's what she embodies,'' Miller said. ''She cares about her students and loves learning and encourages learning in her students. She's a highly effective teacher.''

But it's not only the students that Lawson is teaching. Para-educator Erika Lynch is a newly licensed teacher who has been working alongside Lawson for two years.

''Being in rooms with her is really good for me because I can learn from her,'' Lynch said. ''I am picking up things that hopefully I can use one day in my own classroom. Jenn creates a learning community where kids feel safe and take chances, where they are challenged but they are able to meet those challenges. It's because she meets kids at their level. She does a great job of creating an environment that makes it easier for kids to learn.''

Miller introduced Lawson at the assembly. ''By the round of applause it is obvious Jennifer Lawson is someone who is revered, respected and loved,'' she said.

As Lawson accepted the crystal apple that Miller handed her, she received a standing ovation from the packed auditorium and said above the din, ''I love my job and I love you guys.''

ADDITIONAL STATEMENTS

ARKANSAS'S FINALISTS FOR ''TEACHER OF THE YEAR''

● Mrs. LINCOLN. Mr. President, today I congratulate 14 Arkansas teachers who were recently named regional finalists for Arkansas Teacher of the Year. These educators represent the best of our State, and I join all Arkansans to thank them for their efforts to educate and inspire our Arkansas youth. These teachers devote themselves to ensuring a bright, successful future for their students, and I commend them for their pursuit of professional excellence and their dedication to learning and knowledge.

The finalists are Blair Ballard, Walnut Ridge Elementary; Vickie Beene, an English teacher at Nashville High School; Julie Boyd, Hurricane Creek Elementary in Bryant; Jeannette Dempsey, College Hill Elementary, Texarkana; Oretha Faye Ferguson, an English teacher at Fort Smith Southside High School; Karen S. Hart, a biology teacher at Jonesboro High School; Kristy Parish, Westside Elementary, Searcy; Mary Katherine Parson, a biology teacher at Little Rock Central; Kathy A. Powers, Simon Intermediate School, Conway; Therese Thompson, John Tyson Elementary, Springdale; Rebecca Vaughn, Wedlock Elementary, West Memphis; Maryann Walker, M.A. Hardin Elementary, White Hall; Carolyn Whisenant, Mountain Home Kindergarten; and Emily Kathryn White, Monticello Elementary.●

ARKANSAS BLUES AND HERITAGE FESTIVAL

● Mrs. LINCOLN. Mr. President, today I celebrate the 25th anniversary of the

Arkansas Blues and Heritage Festival, a beloved, time-honored tradition in my hometown of Helena, AR.

The Arkansas Blues and Heritage Festival, formerly known as the King Biscuit Blues Festival, is one of the Nation's foremost showcases of blues music. Held for 3 days annually in October, tens of thousands of blues enthusiasts converge on historic downtown Helena. This year's festival features legendary blues musician B.B. King, along with nearly 50 other blues performances. The event will be held October 7 to 9, with projected attendance figures of nearly 80,000.

I have often joined my fellow Helena residents to celebrate and enjoy this annual tradition, and I am proud of the community's efforts to keep alive the history and heritage of blues music.

Founded in 1986, the first festival was a 1-day event, with a small gathering of local residents and a flatbed truck as a stage. Since then, the festival has grown to a 3-day event, with three stages and several activities, such as the Kenneth Freemyer 5K Run, the Blues in Schools program, and the Tour da' Delta bicycle tour.

I congratulate the organizers and leadership of the Arkansas Blues and Heritage Festival, along with all my fellow Helena residents. I wish them all the best as they celebrate 25 years of the Arkansas Blues and Heritage Festival.●

RECOGNIZING DIRK LEACH RUSTIC ARTS

● Ms. SNOWE. Mr. President, as lobster bakes and vacations along the picturesque northeastern coast fade with the summer months, today I honor a craftsman and small business owner in my home State of Maine who keeps the feeling of the season alive by marrying function, comfort, beauty, tradition, and love of the outdoors—quintessentially Maine characteristics—with the iconic Adirondack chair.

Located along the Saco River in the town of Buxton, Dirk Leach Rustic Arts is a one-of-a-kind business devoted to one man's dream of creating the perfect Adirondack chair. The company's owner, Dirk Leach, maintains the tradition of ''rustic artistry'' by walking through Maine's woodlands in late fall and winter to gather materials for one of his Shaker creations. An artist and an innovator, Mr. Leach describes himself as ''obsessed with the Adirondack chair form,'' and draws inspiration from the simple, functional forms of Shaker design. Mr. Leach's sketches help him translate his varying ideas into unique prototypes and, finally, innovative seating pieces with wide seat planks, thick arm rests, and clean lines.

Since the mid 1990s, Dirk Leach has fashioned Adirondack chairs and settees from a variety of trees native to Maine, such as red oak, white ash, yellow birch, and sugar maple. Perhaps most creatively, Mr. Leach transforms pin cherry and gray birch into handhewn candlesticks and a number of accessories. Mr. Leach lovingly builds, paints, signs, and dates his exceptional and unique creations, which are all beautifully handcrafted and guaranteed for life. While his most popular designs include the traditional Weekender chairs to the more eclectic Nor'easter chairs, Mr. Leach has pledged to design 100 variations of the outdoor classic by alternating back height, seat angles, hardware, and color. Moreover, chairs can be built to withstand even the coldest of Maine's winters, as they are constructed of weather tight white oak and finished in the finest exterior house paint on the market.

And although Mainers have come to anticipate traditional white Adirondack chairs assembled along campfires and lazily arranged in the backyard, Dirk Leach is renowned for applying layers of paint in colors inspired by nature itself, from colors such as iris, prairie grass, and warm earth, to vivid shades of crocus, coral, and pistachio.

Touted as the ''Best Maine Adirondack Chair'' by Down East Magazine in July 2010, Dirk Leach Rustic Arts has been working to keep up with demand since the Maine publication hit newsstands. And when he wasn't drawing up his newest designs, Mr. Leach has spent time traveling to Wisconsin, New York, and throughout Maine—from July to September—demonstrating his rustic woodworking craftsmanship and techniques.

While small businesses are most notably touted as drivers of our national economy, and rightly so, they can sometimes be overlooked for their often more subtle contributions to design, quality, and innovative vision. Whether his customers utilize these chairs to gaze out at the ocean or sit around a campfire, Dirk Leach's designs are functional works of art meant to last for generations. I commend Dirk Leach on the passion he lends to his craft, and I wish him nothing but success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:38 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3470. An act to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes.

H.R. 4195. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

H.R. 4347. An act to amend the Indian Self-Determination Act and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes.

H.R. 5152. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.

H.R. 5194. An act to designate Mt. Andrea Lawrence, and for other purposes.

H.R. 5494. An act to direct the Secretary of the Interior to transfer certain properties to the District of Columbia.

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

H.R. 5811. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 6130. An act to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 294. Concurrent resolution commemorating the 75th anniversary of the Blue Ridge Parkway.

The message further announced that the House has passed the following bill, without amendment:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

ENROLLED BILLS SIGNED

At 11:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4505. An act to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces

H.R. 6102. An act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A–18E, F/A–18F, and EA–18G aircraft.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate 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.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

ENROLLED BILLS SIGNED

At 3:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 4:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that that the House has passed the following bill, without amendment:

S. 1674. An act 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.

The message also announced that the House agrees to the resolution (H. Res. 1653) returning to the Senate the amendment of the Senate to the bill (H.R. 5875) title, the bill (S. 951) title, the bill (S. 1023), the bill (S. 2799), the bill (S. 3162), and the bill (S. 3187), in the opinion of the House, each contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and shall be respectfully returned to the Senate with a message communicating this resolution.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

ENROLLED BILL SIGNED

At 5:09 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3717. An act to amend the Securities and Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 3814. An act to extend the National Flood Insurance Program until September 30, 2011.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3470. An act to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4195. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5152. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5194. An act to designate Mt. Andrea Lawrence, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

H.R. 5811. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Indian Affairs.

H.R. 6130. An act to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 294. Concurrent resolution commemorating the 75th Anniversary of the Blue Ridge Parkway; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 2010, she had presented to the President of the United States the following enrolled bill:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

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–7507. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Government—Assigned Serial Number Making'' (DFARS Case 2008–D047) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Armed Services.

EC–7508. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; DoD Office of the Inspector General Address'' (DFARS Case 2010–D015) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Armed Services.

EC–7509. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Mark P. Fitzgerald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–7510. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Internal Agency Docket No. FEMA–8147)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7511. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket ID FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7512. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance on Presentation of Liquidity and Capital Resources Disclosures in Management's Discussion and Analysis'' received in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7513. 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 ''Over the Counter Drugs'' (Notice No. 2010–59) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Finance.

EC–7514. 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 ''Special Funding Rules for Multiemployer Plans under PRA 2010'' (Notice No. 2010–56) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC–7515. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2010–11 Main Hawaiian Islands Bottomfish Total Allowable Catch (RIN0648–XX15) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7516. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY44) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7517. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XY66) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7518. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY62) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7519. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands'' (RIN0648–XY45) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7520. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures'' (RIN0648–BA05) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7521. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Community Development Program Process'' (RIN0648–AX76) received in the Office of the President of the Senate on September 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7522. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–7523. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Final Airworthiness Design Standards for Acceptance Under the Primary Category Rule; Orlando Helicopter Airways (OHA), Inc. Models Cessna 172I, 172K, 172L, and 172M'' ((RIN2120–ZZ50) (14 CFR Part 21)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7524. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA330J Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0825)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7525. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0463)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7526. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robert E. Rust, Jr. Model DeHavilland DH.C1 Chipmunk 21, DH.C1 Chipmunk 22, and DH.C1 Chipmunk 22A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0632)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7527. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–100 and –200 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0481)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7528. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125–01 and TAE 125–02–99 Reciprocating Engines Installed In, But Not Limited To, Diamond Aircraft Industries Model DA 42 Airplanes; Correction'' ((RIN2120–AA64) (Docket No. FAA–2009–0201)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7529. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. (Agusta) Model A119 and AW119 MKII Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0824)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7530. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series and 912 S Series Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0449)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7531. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0477)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7532. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, and 702); Model CL–600–2D15 (Regional Jet Series 705); and Model CCL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0851)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7533. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–5113; Socorro, NM'' ((RIN2120–AA66) (Docket No. FAA–2010–0693)) received in the

Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7534. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (104); Amdt. No. 3390'' (RIN2120–AA65) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7535. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference'' (RIN2120–AA66) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7536. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule'' (RIN3084–AB19) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7537. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received in the Office of the President of the Senate on September 16, 2010; to the Committee on Foreign Relations.

EC–7538. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

EC–7539. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Loan Guaranty: Assistance to Eligible Individuals in Acquiring Specially Adapted Housing'' (RIN2900–AM87) received in the Office of the President of the Senate on September 16, 2010; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2971. A bill to authorize certain authorities by the Department of State, and for other purposes (Rept. No. 111—301).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 3581. A bill to implement certain defense trade treaties (Rept. No. 111—302).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3751. A bill to amend the Stem Cell Therapeutic and Research Act of 2005.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

*Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

*Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

*Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

By Mr. CONRAD for the Committee on the Budget.

*Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

By Mr. LEAHY for the Committee on the Judiciary.

Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit.

Beryl Alaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia.

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. COBURN, Mr. CHAMBLISS, Mr. MCCAIN, and Mr. CORNYN):

S. 3829. A bill to repeal the CLASS Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3830. A bill to establish the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER:

S. 3831. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COBURN:

S. 3832. A bill to ensure greater food safety without creating new or unneeded government bureaucracy; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3833. A bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. LUGAR):

S. 3834. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Ms. LANDRIEU, and Mr. BAUCUS):

S. 3835. A bill to reinstate the increase in the surety bond guarantee limits for the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. CARDIN (for himself, Ms. LANDRIEU, and Mr. BAUCUS):

S. 3836. A bill to make permanent the increase in the surety bond guarantee limits for the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. RISCH:

S. 3837. A bill to prohibit the Secretary of Education from promulgating regulations or guidance regarding gainful employment for purposes of titles I or IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, and Mrs. HAGAN):

S. 3838. A bill to appropriate funds for the final settlement of lawsuits against the Federal Government for discrimination against Black Farmers and to provide relief for discrimination in a credit program of the Department of Agriculture under the Equal Credit Opportunity Act; 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. CARPER (for himself, Mr. MCCAIN, Ms. COLLINS, and Mr. DODD):

S. Res. 639. A resolution supporting the goals and ideals of Fire Prevention Week, which begins on October 3, 2010, and the work of firefighters in educating and protecting the communities of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Mr. WEBB):

S. Res. 640. A resolution expressing the sense of the Senate regarding United States engagement with ASEAN and its member—states; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. VITTER, Mr. CORNYN, and Mrs. HUTCHISON):

S. Res. 641. A resolution observing the 5th anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas; considered and agreed to.

By Mr. INOUYE (for himself and Ms. COLLINS):

S. Res. 642. A resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary; considered and agreed to.

By Mr. INOUYE (for himself and Mr. ALEXANDER):

S. Res. 643. A resolution designating the week beginning October 3, 2010, as ''National Nurse—Managed Health Clinic Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Nebraska (Mr. JOHANNS), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. DORGAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. DODD), the Senator from Alabama (Mr. SHELBY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. BURR), the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 1349

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction.

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1349, supra.

S. 1352

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 3036

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3234

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3402

At the request of Mr. LEMIEUX, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3402, a bill to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners, and for other purposes.

S. 3442

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3442, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Oregon (Mr. WYDEN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3524

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3524, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes.

S. 3664

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3664, a bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes.

S. 3673

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 3673, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits.

S. 3703

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3751

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3772

At the request of Mr. REID, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3786

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 583

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 583, a resolution expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

S. RES. 611

At the request of Mr. CARDIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 611, a resolution congratulating the Cumberland Valley Athletic Club on the 48th anniversary of the running of the JFK 50-Mile Ultra-Marathon.

S. RES. 631

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RISCH:

S. 3837. A bill to prohibit the Secretary of Education from promulgating regulations or guidance regarding gainful employment for purposes of titles I or IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. RISCH. Mr. President, I rise today to introduce the Education for All Act in order to preserve educational and economic opportunities for all Americans.

The U.S. Department of Education is proposing new ''gainful employment'' rules that would deny federal financial aid to students who attend proprietary colleges and vocational certificate programs. These rules would disqualify students from receiving federal education loans if their chosen programs do not meet a complex formula comparing student debt to future earning potential. Why should students be discouraged from attending a school they want or a profession they chose because of Washington bureaucrats?

The bill I am introducing today would prohibit these regulations from going into effect.

The ''gainful employment'' rules could deny hundreds of thousands of students access to the training and skills development they need to secure a job in today's troubled economy. There is high demand in some sectors for highly skilled workers and propriety schools are uniquely qualified to meet the training needs of these employers. It is simply irresponsible for the government to throw roadblocks in front of students and institutions at a time when job creation in America should be the administration's number one priority.

Further, the ''gainful employment'' rules will disproportionately harm low-income and minority students. These students often depend more heavily on education loans regardless of the type of institution they attend and take longer to repay.

The rules would also significantly impact health care programs. Nearly half of all healthcare workers are trained at proprietary schools. With an aging baby boom population, demand for trained health care providers is already critical and will only get worse. President Obama's healthcare law adds to this burden as well. We ought to be expanding educational capacity for health care workers, not enacting regulations that threaten access.

In short, this legislation will preserve educational and economic opportunities for all Americans. I urge all of my colleagues to support this bill.

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. 3837

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 ''Education for All Act''.

SEC. 2. NO REGULATORY AUTHORITY.

Notwithstanding any other provision of law, the Secretary of Education may not use any Federal funds for the promulgation of regulations or guidance regarding the meaning of the term ''gainful employment'' in section 101, 102, or 481 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002, 1088).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 639—SUPPORTING THE GOALS AND IDEALS OF FIRE PREVENTION WEEK, WHICH BEGINS ON OCTOBER 3, 2010, AND THE WORK OF FIREFIGHTERS IN EDUCATING AND PROTECTING THE COMMUNITIES OF THE UNITED STATES

Mr. CARPER (for himself, Mr. MCCAIN, Ms. COLLINS, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 639

Whereas Fire Prevention Week is a time for the public to learn lifesaving fire safety

information, practice emergency escape plans, and check and replace smoke alarm batteries;

Whereas smoke alarms cut the risk of dying in a reported fire in half;

Whereas, each year, nearly 3,000 people die in home fires in the United States;

Whereas, in 2009, 82 firefighters lost their lives in the line of duty;

Whereas more than 50 firefighters have already lost their lives in 2010;

Whereas 1 home structure fire is reported every 82 seconds and 1 civilian fire death occurs every 2 hours and 38 minutes;

Whereas firefighters in the United States courageously respond to calls and risk their lives to protect families and communities from fire, natural disasters, and acts of terrorism;

Whereas firefighters provide emergency medical services, special rescue response, hazardous material response, wildfire suppression, and fire education;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, and, since 1922, firefighters have been honored for their role in educating and protecting the public during Fire Prevention Week;

Whereas the National Fire Protection Association has designated the week beginning on October 3, 2010 as ''Fire Prevention Week''; and

Whereas the people of the United States can do their part to protect themselves, their families, and firefighters by checking their smoke alarms regularly: Now, therefore, be it

Resolved, That the Senate supports—

(1) the goals and the ideals of Fire Prevention Week, which begins on October 3, 2010, as designated by the National Fire Protection Association; and

(2) the work of firefighters in educating and protecting the communities of the United States.

SENATE RESOLUTION 640—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES ENGAGEMENT WITH ASEAN AND ITS MEMBER-STATES

Mr. KERRY (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Whereas the Association of Southeast Asian Nations (ASEAN) was founded in 1967 ''to strengthen further the existing bonds of regional solidarity and cooperation'';

Whereas ASEAN membership has now expanded to include 10 countries, which together span over half the size of the continental United States, with a total population of nearly 600,000,000 persons;

Whereas ASEAN is an important contributor to stability and prosperity in the Asia-Pacific region;

Whereas ASEAN partners with the United States Government and others in the international community to address transnational problems like terrorism, environmental degradation, the international financial crisis, and maritime security;

Whereas the ASEAN Charter, approved by Southeast Asia's leaders in November 2007, codified norms for the behavior of ASEAN member-states toward their own citizens, covering such subjects as individual rights, democracy, the rule of law, and good governance;

Whereas the combined economy of ASEAN's member countries, valued at approximately $1,500,000,000,000 in 2008, constitutes the fourth largest market for United States exports, and two-way United States-ASEAN trade in goods and services totaled over $200,000,000,000 in 2008;

Whereas Southeast Asia is the largest destination for United States foreign direct investment in Asia;

Whereas almost 40,000 students from ASEAN countries studied in the United States in 2008, and an increasing number of United States citizens are studying abroad in these countries;

Whereas the United States Government recognizes the centrality of ASEAN to regional cooperation and problem-solving in the Asia Pacific;

Whereas the United States was the first country to appoint an Ambassador to ASEAN;

Whereas the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia during the July 2009 ASEAN ministerial meetings in Thailand;

Whereas the United States launched a new collaboration with the Lower Mekong Countries—Cambodia, Laos, Thailand, and Vietnam—in the areas of the environment, health, and education in July 2009 in Thailand;

Whereas President Barack Obama stated at the first meeting of the leaders of ASEAN and the United States held in Singapore in November 2009, ''The United States is committed to strengthening its engagement in Southeast Asia both with our individual allies and partners, and with ASEAN as an institution.'';

Whereas Secretary of State Hillary Clinton said at the July 2010 ASEAN ministerial meetings in Vietnam that the United States was ''committed to assisting the nations of Southeast Asia to remain strong and independent, and [to helping ensure] that each nation enjoys peace, stability, prosperity, and access to universal human rights'';

Whereas Secretary of State Clinton and Secretary of Defense Robert Gates have stated the intention of the United States to increase participation in regional institutions, including the East Asia Summit and the ASEAN Defense Ministers Meeting Plus Eight, both to be held in October 2010 in Vietnam; and

Whereas the second meeting of ASEAN and United States Government leaders, and the first to be hosted by the United States, will take place in New York City, New York on September 24, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to welcome the leaders of ASEAN to the United States for the second ASEAN-United States summit meeting;

(2) that the decision to host the second ASEAN-United States summit in New York City reflects the importance of ASEAN and its member-states to the United States, and the importance of the United States to ASEAN and its member-states;

(3) that the United States Government should continue to seek ways to broaden and deepen its economic, political-security, social, and cultural engagement with the countries in Southeast Asia toward a closer partnership with ASEAN and its member-states, as well as other regional institutions in the Asia-Pacific region;

(4) that the United States Government is committed to working with all ASEAN member-states to encourage the development of open and free democratic institutions in Burma that allow for the full participation of political opposition and ethnic minority groups; and

(5) that a stronger, more integrated ASEAN serves shared interests in regional peace, stability, and prosperity.

SENATE RESOLUTION 641—OBSERVING THE 5TH ANNIVERSARY OF THE DATE ON WHICH HURRICANE RITA DEVASTATED THE COASTS OF LOUISIANA AND TEXAS

Ms. LANDRIEU (for herself, Mr. VITTER, Mr. CORNYN, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 641

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson's Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast, which had already been hit by Hurricane Katrina;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their homes, caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama, and, according to the National Climatic Data Center, left 1,000,000 people without electricity;

Whereas damages from Hurricane Rita are estimated at $11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, which, according to the National Climatic Data Center, is only the third time that more than one Category 5 storm has formed in the Atlantic in the same year;

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and, according to the United States Geological Survey, traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in the States of Louisiana and Texas were destroyed by the flooding; and

Whereas the National Wetlands Center of the United States Geological Survey indicates that 217 square miles of the coastal land of the State of Louisiana were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 5th anniversary of the date on which Hurricane Rita devastated the coasts of the States of Louisiana and Texas;

(2) expresses the support of the Senate to the survivors of Hurricane Rita and the condolences of the Senate to the families of the victims of Hurricane Rita;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions the affected communities in the States of Louisiana and Texas have made to the United States; and

(5) reaffirms the commitment of the Senate to rebuild, renew, and restore the Gulf Coast region.

SENATE RESOLUTION 642—CONGRATULATING THE NATIONAL INSTITUTE OF NURSING RESEARCH ON THE OCCASION OF ITS 25TH ANNIVERSARY

Mr. INOUYE (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 642

Whereas, in 1983, the Institute of Medicine recommended that nursing research be included in biomedical and behavioral science research;

Whereas the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 820) established the National Center for Nursing Research (referred to in this preamble as the ''Center'') within the National Institutes of Health to disseminate information related to basic and clinical nursing research;

Whereas the National Center for Nursing Research excelled in carrying out the purpose of the Center to provide research training and fellowships in the areas of disease prevention, health promotion, and nursing care for individuals with acute and chronic illnesses and the families of those individuals;

Whereas Congress, recognizing the contributions of the National Center for Nursing Research to improving quality care and health, redesignated the Center as the National Institute of Nursing Research (referred to in this preamble as the ''NINR'') through the enactment of the National Institutes of Health Revitalization Act of 1993 (Public Law 103–43; 107 Stat. 122);

Whereas the research focus of the NINR for the 25 years prior to the approval of this resolution has resulted in advances in nursing science at all stages of the lifespan of an individual;

Whereas the mission of the NINR is to promote and improve the health of individuals, families, communities, and vulnerable populations of the United States;

Whereas the NINR views nursing science as the cornerstone for integrating biological and behavioral sciences, exploring innovations, and improving research methods;

Whereas research funded by the NINR has improved the health outcomes and enhanced the quality of life of the people of the United States by managing disease and relieving symptoms of disease;

Whereas the NINR is committed to helping to eliminate the health disparities facing minority and disadvantaged populations across the United States;

Whereas the NINR holds the principal responsibility for end-of-life research conducted at the National Institutes of Health; and

Whereas the NINR spends a remarkable 7 percent of the budget of the NINR on training new researchers, ensuring that the number of nurse scientists and the faculty educating the next generation of professional nursing students continues to grow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Institute of Nursing Research on the occasion of its 25th anniversary; and

(2) commends the National Institute of Nursing Research for its ongoing support of nursing research, which is integral to the health of the people of the United States.

SENATE RESOLUTION 643—DESIGNATING THE WEEK BEGINNING OCTOBER 3, 2010, AS ''NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK''

Mr. INOUYE (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 643

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health as well as the prevention of illness and the alleviation of suffering along with diagnosis and treatment;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services that may include treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic was created more than 30 years prior to the date of approval of this resolution;

Whereas, as of the date of approval of this resolution, more than 200 nurse-managed health clinics provide care across the United States and record over 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for health professions students;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 3, 2010, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4656. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4657. Mr. DORGAN (for Mr. ENSIGN) proposed an amendment to the resolution S. Res. 583, expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

TEXT OF AMENDMENTS

SA 4656. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part III''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) $2,451,375,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $746,250,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following:

''(15) $49,593,750 for the 3-month period beginning on October 1, 2010.''.

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat.2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

SA 4657. Mr. DORGAN (for Mr. ENSIGN) proposed an amendment to the resolution S. Res. 583, expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; as follows:

In paragraph (3) of the resolving clause, strike ''requests that the President issue a proclamation calling upon'' and insert ''urges''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 23, 2010, at 2 p.m. in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 23, 2010 at 10 a.m. to conduct a hearing entitled ''the Federal Housing Administration—current condition and future challenges.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 23, 2010 at 10:15 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on September 23, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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 September 23, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform: Lessons from the Tax Reform Act of 1986.''

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 September 23, 2010, at 9:45 a.m.

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 September 23, 2010, at 2 p.m., to hold an East Asian and Pacific Affairs subcommittee hearing entitled, ''Challenges to Water and Security in Southeast Asia.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 23, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate on September 23, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT 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 September 23, 2010. The Committee will meet in room G50 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 23, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Eden Ellis, Awatif Chafie, and Tom Van Heeke, members of my staff, be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD VETERINARY YEAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 583.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 583) expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4657) was agreed to, as follows:

AMENDMENT NO. 4657

(Purpose: To amend the resolving clause)

In paragraph (3) of the resolving clause, strike ''requests that the President issue a proclamation calling upon'' and insert ''urges''.

The resolution (S. Res. 583), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 583

Whereas the first veterinary school in the world was founded in Lyon, France, in 1761;

Whereas 2011 will mark the 250th anniversary of veterinary education and the founding of the veterinary medical profession;

Whereas 2011 will mark the beginnings of comparative biopathology, a basic tenet of the ''one health'' concept;

Whereas veterinarians have played an integral role in discovering the causes of numerous diseases that affect the people of the United States, such as salmonellosis, West Nile Virus, yellow fever, and malaria;

Whereas veterinarians provide valuable public health service through preventive medicine, control of zoonotic diseases, and scientific research;

Whereas veterinarians have advanced human and animal health by inventing and refining techniques and instrumentations such as artificial hips, bone plates, splints, and arthroscopy;

Whereas veterinarians play an integral role in protecting the quality and security of the herd and food supply of the Nation;

Whereas military veterinarians provide crucial assistance to the agricultural independence of developing nations around the world;

Whereas disaster relief veterinarians provide public health service and veterinary medical support to animals and humans displaced and ravaged by disasters;

Whereas veterinarians are dedicated to preserving the human-animal bond and promoting the highest standards of science-based, ethical animal welfare;

Whereas 2011 would be an appropriate year to designate as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; and

Whereas colleagues in the United States will join veterinarians from around the world to celebrate this momentous occasion: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of 2011 as ''World Veterinary Year'';

(2) supports the goals and ideals of World Veterinary Year of bringing attention to and expressing appreciation for the contributions that the veterinary profession has made and continues to make to animal health, public health, animal welfare, and food safety; and

(3) urges the people of the United States to observe 2011 as World Veterinary Year with appropriate programs, ceremonies, and activities.

UNITED STATES ENGAGEMENT WITH ASEAN AND ITS MEMBER-STATES

OBSERVING THE FIFTH ANNIVERSARY OF HURRICANE RITA

CONGRATULATING THE NATIONAL INSTITUTE OF NURSING RESEARCH

NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 640, S. Res. 641, S. Res. 642, and S. Res. 643.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DORGAN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 640, 641, 642, and 643) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 640

Whereas the Association of Southeast Asian Nations (ASEAN) was founded in 1967 ''to strengthen further the existing bonds of regional solidarity and cooperation'';

Whereas ASEAN membership has now expanded to include 10 countries, which together span over half the size of the continental United States, with a total population of nearly 600,000,000 persons;

Whereas ASEAN is an important contributor to stability and prosperity in the Asia-Pacific region;

Whereas ASEAN partners with the United States Government and others in the international community to address transnational problems like terrorism, environmental degradation, the international financial crisis, and maritime security;

Whereas the ASEAN Charter, approved by Southeast Asia's leaders in November 2007, codified norms for the behavior of ASEAN member-states toward their own citizens, covering such subjects as individual rights, democracy, the rule of law, and good governance;

Whereas the combined economy of ASEAN's member countries, valued at approximately $1,500,000,000,000 in 2008, constitutes the fourth largest market for United States exports, and two-way United States-ASEAN trade in goods and services totaled over $200,000,000,000 in 2008;

Whereas Southeast Asia is the largest destination for United States foreign direct investment in Asia;

Whereas almost 40,000 students from ASEAN countries studied in the United States in 2008, and an increasing number of United States citizens are studying abroad in these countries;

Whereas the United States Government recognizes the centrality of ASEAN to regional cooperation and problem-solving in the Asia Pacific;

Whereas the United States was the first country to appoint an Ambassador to ASEAN;

Whereas the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia during the July 2009 ASEAN ministerial meetings in Thailand;

Whereas the United States launched a new collaboration with the Lower Mekong Countries—Cambodia, Laos, Thailand, and Vietnam—in the areas of the environment, health, and education in July 2009 in Thailand;

Whereas President Barack Obama stated at the first meeting of the leaders of ASEAN and the United States held in Singapore in November 2009, ''The United States is committed to strengthening its engagement in Southeast Asia both with our individual allies and partners, and with ASEAN as an institution.'';

Whereas Secretary of State Hillary Clinton said at the July 2010 ASEAN ministerial meetings in Vietnam that the United States was ''committed to assisting the nations of Southeast Asia to remain strong and independent, and [to helping ensure] that each nation enjoys peace, stability, prosperity, and access to universal human rights'';

Whereas Secretary of State Clinton and Secretary of Defense Robert Gates have stated the intention of the United States to increase participation in regional institutions, including the East Asia Summit and the ASEAN Defense Ministers Meeting Plus Eight, both to be held in October 2010 in Vietnam; and

Whereas the second meeting of ASEAN and United States Government leaders, and the first to be hosted by the United States, will take place in New York City, New York on September 24, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to welcome the leaders of ASEAN to the United States for the second ASEAN-United States summit meeting;

(2) that the decision to host the second ASEAN-United States summit in New York City reflects the importance of ASEAN and its member-states to the United States, and the importance of the United States to ASEAN and its member-states;

(3) that the United States Government should continue to seek ways to broaden and deepen its economic, political-security, social, and cultural engagement with the countries in Southeast Asia toward a closer partnership with ASEAN and its member-states,

as well as other regional institutions in the Asia-Pacific region;

(4) that the United States Government is committed to working with all ASEAN member-states to encourage the development of open and free democratic institutions in Burma that allow for the full participation of political opposition and ethnic minority groups; and

(5) that a stronger, more integrated ASEAN serves shared interests in regional peace, stability, and prosperity.

S. RES. 641

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson's Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast, which had already been hit by Hurricane Katrina;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their homes, caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama, and, according to the National Climatic Data Center, left 1,000,000 people without electricity;

Whereas damages from Hurricane Rita are estimated at $11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, which, according to the National Climatic Data Center, is only the third time that more than one Category 5 storm has formed in the Atlantic in the same year;

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and, according to the United States Geological Survey, traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in the States of Louisiana and Texas were destroyed by the flooding; and

Whereas the National Wetlands Center of the United States Geological Survey indicates that 217 square miles of the coastal land of the State of Louisiana were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 5th anniversary of the date on which Hurricane Rita devastated the coasts of the States of Louisiana and Texas;

(2) expresses the support of the Senate to the survivors of Hurricane Rita and the condolences of the Senate to the families of the victims of Hurricane Rita;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions the affected communities in the States of Louisiana and Texas have made to the United States; and

(5) reaffirms the commitment of the Senate to rebuild, renew, and restore the Gulf Coast region.

S. RES. 642

Whereas, in 1983, the Institute of Medicine recommended that nursing research be included in biomedical and behavioral science research;

Whereas the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 820) established the National Center for Nursing Research (referred to in this preamble as the ''Center'') within the National Institutes of Health to disseminate information related to basic and clinical nursing research;

Whereas the National Center for Nursing Research excelled in carrying out the purpose of the Center to provide research training and fellowships in the areas of disease prevention, health promotion, and nursing care for individuals with acute and chronic illnesses and the families of those individuals;

Whereas Congress, recognizing the contributions of the National Center for Nursing Research to improving quality care and health, redesignated the Center as the National Institute of Nursing Research (referred to in this preamble as the ''NINR'') through the enactment of the National Institutes of Health Revitalization Act of 1993 (Public Law 103-43; 107 Stat. 122);

Whereas the research focus of the NINR for the 25 years prior to the approval of this resolution has resulted in advances in nursing science at all stages of the lifespan of an individual;

Whereas the mission of the NINR is to promote and improve the health of individuals, families, communities, and vulnerable populations of the United States;

Whereas the NINR views nursing science as the cornerstone for integrating biological and behavioral sciences, exploring innovations, and improving research methods;

Whereas research funded by the NINR has improved the health outcomes and enhanced the quality of life of the people of the United States by managing disease and relieving symptoms of disease;

Whereas the NINR is committed to helping to eliminate the health disparities facing minority and disadvantaged populations across the United States;

Whereas the NINR holds the principal responsibility for end-of-life research conducted at the National Institutes of Health; and

Whereas the NINR spends a remarkable 7 percent of the budget of the NINR on training new researchers, ensuring that the number of nurse scientists and the faculty educating the next generation of professional nursing students continues to grow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Institute of Nursing Research on the occasion of its 25th anniversary; and

(2) commends the National Institute of Nursing Research for its ongoing support of nursing research, which is integral to the health of the people of the United States.

S. RES. 643

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health as well as the prevention of illness and the alleviation of suffering along with diagnosis and treatment;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services that may include treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic was created more than 30 years prior to the date of approval of this resolution;

Whereas, as of the date of approval of this resolution, more than 200 nurse-managed health clinics provide care across the United States and record over 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for health professions students;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 3, 2010, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 107–12, appoints the following individuals as members of the Public Safety Officer Medal of Valor Review Board: Charles Massarone of Kentucky and Andy Nimmo of Missouri.

The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Richard Gardner of Nevada.

The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Nick DiMarco of Ohio.

ORDERS FOR FRIDAY, SEPTEMBER 24, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, September 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, 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.

PROGRAM

Mr. DORGAN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. DORGAN. 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 6:45 p.m., adjourned until Friday, September 24, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE DAVID T. JOHNSON, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MATTHEW MAXWELL TAYLOR KENNEDY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE SAMUEL E. EBBESEN, TERM EXPIRED.

DEPARTMENT OF STATE

KURT WALTER TONG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL FOR THE ASIA—PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

GENERAL ACCOUNTABILITY OFFICE

EUGENE LOUIS DODARO, OF VIRGINIA, TO BE COMPTROLLER GENERAL OF THE UNITED STATES FOR A TERM OF FIFTEEN YEARS, VICE DAVID M. WALKER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING—NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

HEATHER M. ROGERS, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

HALA RHARRIT, OF NEVADA

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

YAMILEE M. BASTIEN, OF FLORIDA

DEPARTMENT OF STATE

KATHY ELIZABETH ADAMS, OF SOUTH CAROLINA
MAZIN TERRY ALFAQIH, OF CALIFORNIA
ANGELA MONICA ALLEN, OF NEW JERSEY
KURT W. ALLRED, OF TEXAS
ELIZABETH ATEGOU, OF ILLINOIS
AARON M. BANKS, OF THE DISTRICT OF COLUMBIA
ROBERT EDWARD BARNEY, OF ARIZONA
DIANA MICHELLE BATES, OF COLORADO
PATRICK THOMAS BOLAND, OF VIRGINIA
BRIAN D. BRENDEL, OF MICHIGAN
MICHAEL A. BROOKE, OF CALIFORNIA
CAROLINE N. BROUN, OF MISSOURI
KATHERINE CANTRELL, OF TEXAS
STEWART AARON CARLTON, OF TENNESSEE
YANCY W. CARUTHERS, OF MISSOURI
MICHAEL HUGH COGNATO, OF PENNSYLVANIA
MONICA BEVERLY COLMENARES, OF VIRGINIA
JASON ERIC CONROY, OF IOWA
NATHAN J. COOPER, OF CALIFORNIA
ROBERT P. CORONADO, OF THE DISTRICT OF COLUMBIA
CATHERINE CROFT, OF WASHINGTON
M. KELLY CULLUM, OF MARYLAND
SANDRA L. DUPUY, OF MASSACHUSETTS
JEANIE MARIE DUWAN, OF KENTUCKY
JOEL DYLHOFF, OF ILLINOIS
JOEL ANTHONY ERWIN, OF TEXAS
DANIEL D. FENECH, OF TEXAS
TRAVIS WALTON FEUERBACHER, OF CALIFORNIA
ADAM FIELDS, OF CALIFORNIA
ELIZABETH FRANKENFIELD, OF VIRGINIA
GREGORY R. GAEDE, OF CALIFORNIA
JASON HOWARD GALLIAN, OF MARYLAND
PATRICK CHRISTOPHER GERAGHTY, OF MASSACHUSETTS
SEBASTIAN JOSEPH GREGG, OF FLORIDA
MICHAEL GRIFFITH, OF THE DISTRICT OF COLUMBIA
ERIK MARK HALL, OF TEXAS
MATTHEW ZAKIN HALLOWELL, OF NEW YORK
BRENDAN J. HARLEY, OF PENNSYLVANIA
MARY K. HARRINGTON, OF NEW HAMPSHIRE
NICHOLAS C. HERSH, OF PENNSYLVANIA
CARLTON JEROME HICKS, OF VIRGINIA
MATTHEW M. HUGHES, OF PENNSYLVANIA
CHRISTOPHER HUNNICUTT, OF NORTH CAROLINA
KAREN EDYTHE HUNTRESS, OF MAINE
ADAEZE JOYCE IGWE, OF TEXAS
NOLEN PHILLIP JOHNSON, OF WISCONSIN
MARGARET T. KATSUMI, OF MASSACHUSETTS
RICHARD P. KAUFMAN, OF VIRGINIA
DERELL KENNEDO, OF TEXAS
KENDRA DENISE KIRKLAND, OF FLORIDA
ANAND KRISHNA, OF CALIFORNIA
ELIJAH PIA COCKETT LAWRENCE, OF UTAH
NINA S. LEWIS, OF FLORIDA
KUAN-WEN LIAO, OF NEW YORK
FRANCESCA GRACE LICHAUCO, OF CALIFORNIA
CHRISTINA FAYE LIM, OF VIRGINIA
SARAH KATHLEEN LONGBRAKE, OF THE DISTRICT OF COLUMBIA
JENNIFER L. MAATTA, OF WASHINGTON
THOMAS PATRICK MAROTTA, OF NEW YORK
JASON REID MARTIN, OF CALIFORNIA
LEAN A. MARTIN, OF LOUISIANA
MARGARET MCELLIGOTT, OF THE DISTRICT OF COLUMBIA
ANSON PIERCE MCLELLAN, OF NEW YORK
KARL MCNAMARA, OF SOUTH DAKOTA
DANIEL MEJIA, OF NEW JERSEY
ROCIO MERCADO-GARCIA, OF CALIFORNIA
PATRICK JOSEPH MERRILL, OF CALIFORNIA
SHAMIS MOHAMUD, OF VIRGINIA
MICHELLE J. MORALES, OF FLORIDA
WILLIAM MORGAN, OF NEW JERSEY
KERRIE ANN NANNI, OF TEXAS
ANDREW BELL PACELLI, OF ILLINOIS
GEOFFREY A. PARKER, OF VIRGINIA
LINDSEY MICHELE PLUMLEY, OF VIRGINIA
KATHERINE ELIZABETH RANCK, OF VIRGINIA
D. RICHARD RASMUSSEN, OF WISCONSIN
PETER JEROME RITTER, OF MINNESOTA
BRENDAN RIVAGE-SEUL, OF KENTUCKY
RAOUL A. RUSSELL, OF TENNESSEE
LAURA MARIE SANTINI, OF MINNESOTA
HEIDI J. SCHELLENGER, OF MAINE
RICHARD EDWARD SCHILLING, JR., OF FLORIDA
MARISSA SMITH, OF ARIZONA
WILLIAM A. STARK, OF ARKANSAS
DAVID ALLEN SWALLEY, OF CALIFORNIA
CHRISTOPHER E. TEJIRIAN, OF NEW YORK
BRIDGET BLAGOEVSKI TRAZOFF, OF MAINE
JAY TRELOAR, OF FLORIDA
ADAM KENT VANDERVORT, OF VIRGINIA
KEVIN J. VOGEL, OF GEORGIA
STEPHANIE L. WOODARD, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JOSEPH FARINELLA, OF NEW YORK
WILLIAM M. FREJ, OF CALIFORNIA
MICHAEL J. YATES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

CHERYL L. ANDERSON, OF VIRGINIA
BRUCE N. BOYER, OF MARYLAND
STEPHEN F. CALLAHAN, OF VIRGINIA
JOHN GROARKE, OF THE DISTRICT OF COLUMBIA
MICHAEL T. HARVEY, OF TEXAS
JANINA ANNE JARUZELSKI, OF NEW JERSEY
ROBERTA MAHONEY, OF VIRGINIA
MICHAEL CROOKS TROTT, OF VIRGINIA
PAUL CHRISTIAN TUEBNER, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

SYED A. ALI, OF FLORIDA
JEFFREY W. ASHLEY, OF TEXAS
JERRY PAUL BISSON, OF VIRGINIA
MARY ALICE KLEINJAN, OF THE DISTRICT OF COLUMBIA
JAROSLAW JOSEPH KRYSCHTAL, OF VIRGINIA
PETER A. MALNAK, OF NEVADA
RANDALL G. PETERSON, OF VIRGINIA
CURTIS A. REINTSMA, OF VIRGINIA
DONELLA J. RUSSELL, OF OREGON
DANIEL M. SMOLKA, OF WEST VIRGINIA
CATHERINE M. TRUJILLO, OF NEW YORK
JAMES E. WATSON, OF VIRGINIA
JOSEPH C. WILLIAMS, OF THE DISTRICT OF COLUMBIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be commander

GREGORY J. HALL

To be lieutenant commander

JOSEPH T. BENIN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14, U.S. CODE.

To be lieutenant

ANDREW C. KIRKPATRICK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARRELL D. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES R. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY D. JAMES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOSEPH A. BRENDLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DANA M. CAPOZZELLA
COL. STEPHEN L. DANNER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MARIA L. BRITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM L. FREEMAN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. GRASS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DANIEL P. GILLIGAN
KIMBERLY D. KUMER
NGHIA H. NGUYEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN F. ABELL
SEAN P. ABELL
RANDALL E. ACKERMAN
MICHELLE T. ADAMS
JODY A. ADDISON
STEWART R. AITKENCADE

GEOFFREY A. AKERS
ARTURO ALAIZA, JR.
PATRICK M. ALBRITTON
CHRISTOPHER M. ALEXANDER
MONA E. ALEXANDER
JEFFREY T. ALLISON
CLARK L. ALLRED
KEVIN D. ALLRED
JUAN A. ALVAREZ
DANIEL G. AMEGIN
CYNTHIA G. ANDERSON
JEREMY S. ANDERSON
PONG K. ANDERSON
SCOTT W. ANDERSON
STEVEN C. ANDERSON
TANYA J. ANDERSON
SHAWN E. ANGER
RICHARD D. ANTON
JOSEPH M. APPEL
RICHARD L. APPLE
CLAUDE M. ARCHAMBAULT
EARL ARDALES
BRADLEY J. ARMSTRONG
MICHAEL C. ARNDT
MICHAEL J. ARTELLI
DAVID M. ASHLEY
FREDERICK H. ATWATER III
JON C. AUTREY
JASON B. AVRAM
MATTHEW L. AYRES
LISLE H. BABCOCK
BRAD C. BAILEY
KAREN BAILEY
JASON E. BAKER
PAUL D. BAKER
BRIAN K. BAKSHAS
ARNOLD C. BALDOZA
HEATHER M. BALDWIN
MICHAEL S. BANZET
JOHN E. BAQUET
CHRISTOPHER T. BARBER
KATHARINE G. BARBER
JAMES C. BARGER
DANIELLE L. BARNES
GREGORY D. BARNETT
RYAN R. BARNEY
ANTHONY R. BARRETT
BARRINGTON M. BARRETT
CATHERINE V. BARRINGTON
CLAYTON B. BARTELS
BRENDAN C. BARTLETT
JOHN V. BARTOLI
CHRISTIA BASBALLE SORENSEN
VIDA V. BEARD
ALAN L. BEAUMONT
OMAR E. BECERRIL
CHARLES E. BECKER
KEVIN R. BEEKER
MATTHEW R. BEER
JEFFREY A. BEERS
TIMOTHY E. BEERS
STEVEN G. BEHMER
MICHAEL E. BELKO
NICHOLAS A. BELL
DIANE C. BENAVIDEZ
MICHAEL L. BENNETT
WILLIAM A. BERCK
CHRISTOPHER C. BERG
TIMOTHY M. BERGMAN
PETER E. BERMES
SCOTT D. BERNDT
WILLIAM L. BERNHARD
FREDERICK S. BERRIAN
RAYMOND J. BESSON
JAMES A. BEYER
THOMAS BICKERSTAFF
SEKOU T. BILLINGS
ROBERT L. BIRCHUM
MICHAEL B. BIRDWELL
BENJAMIN W. BISHOP
JOEL R. BIUS
KIM D. BLACK
WILLIAM T. BLADEN
RYAN D. BLAKE
WILLIAM B. BLAUSER
JOHN J. BLEIL
DEREK S. BLOUGH
JAMES W. BODNAR
THOMAS T. BODNAR
ELIZABETH C. BOEHM
JOHN M. BOEHM
STEVEN G. BOGSTIE
KENNETH R. BOILLOT
PATRICK B. BOLAND
TIMOTHY J. BOLEN
SEAN P. BOLES
ELIZABETH A. BOLL
SCOTT B. BONZER
RONALD K. BOOKER
RALPH E. BORDNER III
CHRIS E. BORING
RICHARD L. BOURQUIN
PAUL S. BOVANKOVICH
BERNADETTE P. BOWMAN
IAN T. BOYD
MARTIN F. BRABHAM
WILLIAM S. BRADLEY
JOHN BRADY
KATHY K. BRADY
WARREN B. BRAINARD
JAMES P. BRASSELL
MICHAEL A. BRAZELTON
THOMAS M. BREEN
MAXIMILIAN K. BREMER
TYR RICHARD BRENNER
ROBERT T. BRIDGES
SIDNEY J. BRIDGES
MICHAEL J. BRIGGS
EARL J. BRINSON
JOEL L. BRISKE
SCOTT D. BRODEUR
CARLOS J. BROWN
RICHARD KEVIN BROWN, JR.
TRAVIS A. BROWNLOW
DONALD R. BRUNK
BYRON T. BRUNSON
SANORA F. BRUNSON
ROBERT H. BRYANT III
MARK R. BRYKOWYTCH
JOHN L. BUCHANAN II
RONALD J. BUCHSEN, JR.
MATTHEW J. BUDDE
JONATHAN C. BUFFINGTON
DAVID L. BULLARD
JAMES E. BURGESS
LANCE C. BURNETT
CURTIS W. BURNEY
KELLY D. BURT
HENRI J. BUSQUE
WALTER A. BUSTELO
ROBERT V. BUTKOVICH
MATTHEW J. BUTLER
TODD C. BUTLER
ADRIAN R. BYERS
EDWARD P. BYRNE
MICHAEL R. CABRAL
REGINA LOUISE CAIN
MAURIZIO D. CALABRESE
BRADY D. CALDWELL
MATTHEW D. CALHOUN
CHRISTOPHER J. CALLIS
MICHAEL A. CALVARESI
GERALD T. CAMPBELL, SR.
NORMAN J. CANNON
EDWARD K. CANTRELL
ANTHONY J. CAPARELLA
SHAY R. CAPEHART
JOHN T. CARANTA III
STEPHEN V. CAROCCI
ALLAN A. CARREIRO
RAFAEL D. CARROLL
SCOTT G. CARROLL
CHRISTOPHER C. CARTER
IVORY D. CARTER
AMY L. CARUTHERS
JONATHAN D. CARY
JOSEPH J. CASSIDY II
GREGORY A. CAUDLE
PAUL S. CAZIER
ROBERT W. CHAMBERS
JASON S. CHANDLER
JACQUELINE D. CHANG
JOSEPH CHARGUALAF
RONALD J. CHASTAIN
EDWARD P. CHATTERS IV
KEITH N. CHAURET
RAYMOND A. CHEHY, JR.
JON E. CHESSER II
TROY W. CHEVALIER
WAYNE M. CHITMON
JOHN S. CHOBERKA, JR.
MICHAEL L. CHONG
JOHN A. CHRIST
JENNY M. CHRISTIAN
BRADLEY D. CHRISTIANSEN
REGGIE A. CHRISTIANSON
WILLIAM V. CHUDKO
CHRISTOPHER STEPHEN CHURCH
WILLIAM R. CHURCH
LISA A. CICCARELLI
MICHAEL T. CLANCY
AARON W. CLARK
ANDREW M. CLARK
CHRISTOPHER F. CLARK
CHRISTOPHER R. CLARK
WILL CLARK
WILLIAM M. CLARKE
ELIZABETH A. CLAY
DANIEL C. CLAYTON
PAUL P. CLEMANS
DOMINIC P. CLEMENTZ
NATHAN D. CLEMMER
SARAH U. CLEVELAND
TRAVIS J. CLOVIS
ERIN C. CLUFF
THOMAS F. COAKLEY
TOM G. COATE
MARK D. COGGINS
CAROLYN C. COLEMAN
LAMONT A. COLEMAN
CHARLES W. COLLIER
PERSIVIA COLLINS II
BRIAN A. COLLORD
MICHAEL J. COLVARD
THEODORE E. CONKLIN, JR.
JAMES A. CONLEY
DANIEL A. CONNELLY
RYAN C. CONNER
ILA L. CONVERTINE
DANIEL E. COOK
HEATHER A. COOK
JOSEPH COOK
KENNETH R. COOK
JASIN R. COOLEY
DAVID L. COOPER
PHILIP J. COOPER
JOSHUA J. CORNER
LARRY M. CORZINE
SEAN J. COSDEN
KAREN M. COSGROVE
GERALD C. COTTRILL
SHAWN C. COVAULT
JOHN R. COX, JR.
JOHN A. COY
RYAN M. COYNE
DIALLO O. CREAL
MICHAEL A. CREIGHTON
KEVIN R. CROCCO
RYAN L. CROCKETTE
CHRISTOPHER L. CRUISE
CHRISTOPHER A. CULLENBINE
TIMOTHY W. CUMMINS
JEFFREY M. CUNNINGHAM
WILLIAM M. CURLIN
MACK W. CURRY II
MICHAEL D. CURRY
MARTIN T. DAACK, JR.
SARAH D. DAHL
JEFFREY M. DAMBRA
PATRICK E. DANIEL
CALVIN E. DANIELS, JR.
KENNETH J. DANIELS
TIMOTHY S. DANIELSON
TIMOTHY B. DANN
JENNA M. DAVIS RICHARDSON
RUSSELL O. DAVIS
BRANDON W. J. DEACON
SARA B. DEAVER
JOEL R. DEBOER
EDUARDO DEFENDINI
JASON R. DELAMATER
DIANA N. DELATORRE
DAVID W. DENGLER
NATHAN R. DENNES
JASON A. DENSLEY
THOMAS A. DENT
KEITH A. DERBENWICK
DANIEL W. DETZI
RONNIE V. DEVLIN
SCOT A. DEWERTH
RICHARD R. DICKENS
JEFFREY M. DILL
DOUGLAS J. DISTASO
JODY L. DIXON
MINH C. DO
THANG T. DOAN
DANIEL A. DOBBELS
JAMES M. DOBBS
RICHARD R. DODGE
MICHAEL R. DONAGHY
JAMES L. DONELSON, JR.
JAMES B. DONKIN
JEFFREY A. DONNELL
PHILLIP R. DONOVAN
ANCIE E. DOTSON III
MATTHEW A. DOUGLAS
JONATHAN G. DOWNING
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JEREMY S. VICKERS
JOHN R. VICKREY
MARCOS A. VIGIL
WILLIAM M. VILLEGAS II
JAMES T. VINSON
HARMEN P. VISSER
PETER D. VITT
DAVID R. VOLLMER
NORMAN P. VUCHETICH
MICHAEL N. WADDLE
SCOTT W. WALKER
WENDY E. WALKER
JAMES W. WALL
DANIEL P. WALLS
MARK R. WALSH
DANNY L. WALTERS, JR.
JAMES T. WANDMACHER
DEAN C. WARDELL
JAMES W. WARF III
BRETT A. WARING
MICHAEL S. WARNER
DAVID M. WARNKE
TIFFANY J. WARNKE
DALIAN A. WASHINGTON
KEITHEN A. WASHINGTON
JEREMY R. WATTS
PAUL T. WEBSTER
SAMANTHA WEEKS
JOHN K. WEIGLE
JOHN A. WELLMAN
JOSEPH H. WENCKUS
TODD H. WENTZLAFF
SCOTT J. WEST
THOMAS C. WESTBROOK
CHRISTOPHER D. WESTON
DAVID S. WESTOVER, JR.
DERRICK R. WHEELDON
GREG D. WHITAKER
CURTIS C. WHITE
TARA E. WHITE
WILLIAM C. WHITE
MICHAEL D. WHITING
ALAN J. WIGDAHL
DAMIAN O. WILBORNE
TIMOTHY W. WILCOX
ANDREW C. WILES
BRANDON L. WILKERSON
CHRISTINA L. WILLARD
ADRIENNE L. WILLIAMS
ANTHONY D. WILLIAMS
CHRISTOPHER J. WILLIAMS
DARIN C. WILLIAMS
IKE H. WILLIAMS
JASON T. WILLIAMS
MICHAEL D. WILLIAMS
PATRICK C. WILLIAMS
PAUL D. WILLIAMS
SEAN WILLIAMS
TREVOR L. WILLIAMS
PAUL B. WILLINGHAM
DANIELLE L. WILLIS
JAMES M. WILMER
WALTER J. WILSON
DAVID J. WINEBRENER
MARK R. WISHER
KELLY N. WITCHER
ERIC J. WITTENDORFER
CHRISTIAN S. WOHLWEND
JASON K. WOOD
MICHELE J. WOODCOCK
SARAH E. WOODS
THADDEUS R. WOODS
SHANNON J. WOODWORTH
JULIE D. WORLEY
TIMOTHY K. WOZNIAK
ANDREW R. WRIGHT
TODD A. WYDRA
MATTHEW W. WYNN
GERALD T. YAP
ERIC YARRELL
BART P. YATES
KEVIN A. YATES
THOMAS E. YEAGER
MICHAEL S. YI
SHAYNE R. YORTON
BRIAN G. YOUNG
CONSTANCE H. YOUNG
HELEN H. YU
DAVID W. YUNT
JEREMY P. ZADEL
VINCENT ZALESKI
JONATHAN E. ZALL
KRISTIAN J. ZHEA
JAMES M. ZICK
MATTHEW W. ZIMMERMAN
MICHAEL S. ZIMMERMAN
BRIAN K. ZOELLNER
MICHAEL J. ZUHLSDORF
CLINTON R. ZUMBRUNNEN
DEBORAH L. P. ZUNIGA
RAY A. ZUNIGA

IN THE ARMY

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 colonel

MARIA E. BOVILL
NIKKI L. BUTLER
RACHEL K. EVANS
JOANNA J. REAGAN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK E. BEICKE
WILLIAM B. COLE
ROBERT J. FINIGAN
TODD R. LEVENDOSKI
EFRAIN SOTOSANTIAGO
JAMES D. TOOMBS

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 colonel

TODD O. JOHNSON
ROBIN K. KING
HENRY J. KYLE
RANDALL L. RIETCHECK
EDWARD L. STEVENS
DEBORAH L. WHITMER
TAMI ZALEWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARK R. BENNE
JERRY BROMAN
RAFAEL CARABALLO
KIMBERLY Y. CATER
GEORGIA G. DELACRUZ
WILLIAM J. DEMSAR
MICHAEL T. EVANS
DAVID C. FLINT
DAN C. FONG
GARY D. GARDNER
MICHELLE T. ICASIANO
SHAUN L. KANION
KIMBERLY W. LINDSEY
MANUEL MARIEN
CRAIG G. PATTERSON
ANDREW J. WARGO
JAMES WOOD

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 colonel

CELETHIA M. ABNERWISE
PATRICK J. AHEARNE
JACQUELINE P. ALLEN
RAY C. ANTOINE
KELLY K. BRAMLEY
SARA T. BRECKENRIDGESPROAT
WENDY R. CAMPBELL
TINA A. CONNALLY
JACK M. DAVIS
REBECCA L. DOUGLAS
LAURA R. FAVAND
LINDA W. FISHER
JOHN T. GROVES
MELISSA K. HALE
KATHLEEN M. HERBERGER
WENDELL M. HOLLADAY
BRIAN K. KONDRAT
DANIEL W. MCKAY
COLETTE L. MCKINNEY
MARGARET M. NAVA
KATHY PRUEOWENS
WENDY A. SAWYER
SUZANNE K. SCOTT
CARLETTE T. TOFT
LISA A. TOVEN

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 colonel

PAUL D. ANDERSON
LYNNETTE B. BARDOLF
CHARLES D. BRADLEY
JACQUELINE CHANDO
JEFFERY M. CLELAND
ANTHONY L. COX
WILLIAM M. DARBY
JAMES W. DAVIDSON
JAY E. EARLES
LAUREL S. FIELDS
KARRIE A. FRISTOE
JOSE L. GARCIA
PAUL J. GOYMERAC
LANETTE R. HAMILTON
KEITH M. JOHNSON
MARTIN D. KERKENBUSH
MICHAEL P. KOZAR
JAMES A. LATERZA
IRWIN M. LENEFSKY
PAULA C. LODI
STEVEN P. MIDDLECAMP
JAMES W. NESS
DAVID J. PARRAMORE
JOHN P. ROGERS
AARON J. SILVER
WALTER M. STANISH
RICHARD P. STARRS
WILLIAM B. TILSON
RONALD T. WILLIAMS
STEPHEN C. WOOLDRIDGE
ALEX P. ZOTOMAYOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

WILLIAM P. ADELMAN
KATHLEEN R. AGNEW
JAY T. ALLEN
VERONICA R. BAECHLER
ANDREW M. BARR
MICHAEL R. BELL
JAMES BENTLEY
PAUL A. BRISSON
DAVID L. BROWN
LINDA L. BROWN
TOMMY A. BROWN
JEFFREY M. CALLIN
DARREL K. CARLTON
STEVEN B. CERSOVSKY
YONG K. CHA
RAYMOND I. CHO
KAO B. CHOU
ROSS E. COLT
LANCE E. CORDONI
DONALD M. CRAWFORD
ERIC A. CRAWLEY
MARK A. CRISWELL
MARK D. CUMINGS
LOUIS A. DAINTY
JOHN G. DEVINE
NHAN V. DO
MICHAEL D. DULLEA
EDWARD M. FALTA
CHRISTOPHER GALLAGHER
DOMINIC R. GALLO
ALAN P. GEHRICH
ROBERT T. GERHARDT
STANLEY F. GOULD
KENNETH A. GRIGGS
CHRISTOS HATZIGEORGIOU
KEITH A. HAVENSTRITE
THOMAS S. HEROLD
EDMUND W. HIGGINS
SIDNEY R. D. HINDS II
AVA HUCHUN
MARY V. KRUEGER
SANDRA G. LAFON
MOON H. LEE
SEAN K. LEE
JONATHAN G. LEONG
BRUCE L. LOVINS
ERIC D. MARTIN
MATTHEW J. MARTIN
PAUL T. MAYER
MYRON B. MCDANIELS
ROBERT C. MCKENZIE, JR.
SHARON P. MCKIERNAN
MARGRET E. MERINO
JOEL E. MEYER
MITCHELL S. MEYERS
RONALD V. MORUZZI
SHAWN C. NESSEN
STEPHEN R. NOVEMBER
MICHAEL S. OSHIKI
ROBERT M. PARIS
JOHN S. PETERS
BRIAN T. PIERCE
SHAUN A. PRICE
MICHAEL W. QUINN
WILLIAM J. QUINN
KEVIN C. REILLY, SR.
LUIS R. RIVERO
STUART A. ROOP
MICHAEL G. ROSSMAN
EARLE G. SANFORD
JAMES J. SHEEHAN, JR.
PETER J. SKIDMORE
BRYAN C. SLEIGH
KEVIN C. SMITH

JOSEPH C. SNIEZEK
MARGARET M. SWANBERG
KENNETH F. TAYLOR, JR.
BRIAN T. THEUNE
BRIEN W. TONKINSON
SCOTT D. UITHOL
TODD J. VENTO
STEVEN A. WAGERS, JR.
GARY R. WALLACE
MICHAEL A. WEBER
MARK J. WEHRUM
DANIEL W. WHITE
MICHAEL D. WIRT II
MICHAEL M. WOLL
MICHAEL P. WYNN
CAROL R. YOUNG, JR.
STANLEY M. ZAGORSKI
DAVID C. ZENGER

IN THE NAVY

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

DOMINIC V. GONZALES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MICHAEL H. HOOPER

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

VIRGILIO S. CRESCINI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALDRIN J. A. CORDOVA
ANDY P. DELEON
ANDREA M. DEWDNEY
RUSTIN J. DOZEMAN
PARRISH P. GUERRERO
TERRY L. KNAPP
JAMES M. LANGLOIS
BRYAN K. LUKIE
GAIL M. MULLEAVY
JERALD L. ROOKS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN W. BAISE
JOHN H. BEATTIE
SCOTT N. BEYER
BEAU BROOKS
MONIKA A. CAMPBELL
MICHAEL W. CARR II
BRANDON M. CASPERSON
KENDALL C. CHAPMAN
JIHOON P. CHOI
ANDREW D. CLINE
DAVE P. CLOSAS
BRAD G. COLEMAN
JASON P. FAHY
DALLAS A. GIPSON
MICHAEL J. GOLONKA III
ROBERT B. HAGEL
JONATHAN L. HIGDON
KENNETH F. HONEK
DAVID R. HUBBLE
VU P. HUYNH
CARL E. JACKSON, JR.
RAYMOND C. JASZKOWSKI
WEURIELUS D. JOHNSON
TIMOTHY W. KABER
JASON A. KILLIAN
CHRIS D. KIM
DEBRA E. KING
GREG C. KIRK
ROBERT D. KLEINMAN
DENNIS LA
MUSHEERAH M. LITTLE
CHRISTOPHER J. LYNCH
ANGELIQUE N. MCBEE
LAUREN A. MCMILLAN
ELKIN F. MOSQUERA
DONNY R. NEWSOM
JONATHAN D. NIEMAN
SHANEWIT NOPKHUN
ALFRED M. NUZZOLO
ROBERT L. OLSON
NATHANAEL J. OVERTREE
GABRIEL PARRILLA
FEDERICO PEREZROMERO
RICHARD J. POCHOLSKI
DENNIS J. RIORDAN
JEFFREY P. ROZEMA
JOSHUA C. SCOTT
KENT R. SIMODYNES
MICHAEL S. SINGLETON
JENNIFER E. STEADMANMURPHY
CORTNEY B. STRINGHAM
JAMES R. SULLIVAN
MATTHEW C. TOLHURST
BRENT J. UYEHARA
BENJAMIN V. WAINWRIGHT
DANIEL W. WALL
WILLIAM W. WOHEAD
ANDREW K. WONG
GREGORY J. WOODS
NING L. YUAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAYNARD ALLEN
ALLEN K. BROOKS
CHRISTOPHER S. CAUBLE
DAVID J. CULLEN III
JAISEN E. FUSON
MARK A. GIRALMO
FERGUSON L. HARRIS
DWAYNE A. JACKSON
BRIAN L. JACOBSON
CYNTHIA L. KANE
RICHARD E. MALMSTROM
CHRISTOPHER S. MARTIN
RONALD S. ODELL, JR.
CHARLES A. OWENS
JEFFREY QUINN
MARK A. ROGERS
DAVID E. ROZANEK
BRIAN K. SHEARER
MARGARET E. SIEMER
CARL J. STAMPER
BRUCE A. VAUGHAN
MATTHEW S. WEEMS
RICHARD H. WIESE
ARTHUR L. WIGGINS, JR.
ROBERT B. WILLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSE G. ACOSTA, JR.
MICHAEL D. ADAMS
MICHAEL A. ALDRICH
BOBBY L. ALLEN
JAKENBERG N. ALMUETE
HEATH E. ALVAREZ
THOMAS E. ARNOLD
MICHAEL AUGUSTINE
RASAQ A. BALOGUN
ANTHONY P. BANNISTER
TIMOTHY S. BARTHA
MICHAEL A. BELL
SAMUEL BETANCOURT
GEORGE M. BICK
SEAN W. BLACK
BISIOYE A. BOLARINWA
BRADLEY C. CARROLL
DAVID M. CARROLL
ABDUL R. CEVILLE
RICARDO A. COLLAZOS
RUDOLPH W. COOK
JAMES A. COX
SALVATORE A. DAMATO
SCOTT A. DARNELL
RODEECE L. DEAN
GENTRY D. DEBORD
JOHN C. DONNELLY
DOUGLAS P. ELLINGTON
RUSSELL L. ELLIS
ANDRE L. FIELDS
ARNEL FLORENDO
PAUL E. FOX
JOHN A. FRENCH
BRIAN L. GARBERT
MICHAEL W. GEORGE
JOEY GONZALES
JOHN P. HAGAN
JEFFREY D. HANKINS
ROBIN A. HASSON
JOSHUA M. HEIVLY
ANDREW E. HENWOOD
DANA M. HERBERT
STEPHEN G. HIGGINS
JOSHUA R. HILL
VIKAS C. JASUJA
DOUGLAS R. JENKINS
MARCUS L. JONES
RICHARD D. JONES
ALEXANDER P. KACZUR
EVELYN C. LEE
MICHAEL T. LEWIS
SCOTT J. LEWIS
JAMES A. LONG
CARLOS V. LOPEZ
CHRISTOPHER M. LOUNSBERRY
RAFAEL L. MACIAS
BRIAN P. MADDEN
TIMOTHY J. MARK
LLAHN A. MCGHIE
KEVIN S. MCNULTY
SCINTAR B. MEJIA
SCOTT L. MELLGREN
JOHN I. MERCADO
JON W. MERRITT
DANIEL W. METZ
CHARLES M. MIELKIE III
MARK D. MILIUS
LOUIS MIRABAL
PHILLIP MOGILEVSKY
CHESTER A. MORGAN
OWEN B. MORRISSEY
JAMES M. NEWTON
QUY NGUYEN
SEAN J. NUILA
ERIK A. OLSEN
MICHAEL O. OSORIO
ANDREW J. OSWALD
ELBERT C. PAMA
JAMES T. PERRY, JR.
STEVEN E. PETERS
ANDREW M. PHILLIPS
J E. PISKURA
NICOLE C. PONDER
MANUEL L. POWELL
JAMES A. PROSSER
MELISSA R. PROUD
JECISKEN RAMSEY
BRUCE M. REILLY II
KEVIN C. RICHARDSON
DENA B. RISLEY
BRANDOLYN N. ROBERTS
CHRISTOPHER F. ROESNER
DEAUNDRAE L. ROGERS
ROMEO B. ROMEO
BRAN M. SHERMAN
KENNIS J. SIGMON
JAIME J. SIQUEIROS
TAMARA T. SONON
ROYAL J. SPRAGIO III
SHANE D. STATEN
CRAIG A. SWANSON
JESSE K. TAIJERON
MONICA R. TATE
RICHARD L. TERRETT
ANDREW J. TEW
LANCELOT A. THOMAS
LLOYD V. THORPE
MICHAEL L. TUCKER
JOSE L. VARGAS
DANIEL J. VETSCH
ANGELA C. WATSON
KELLY S. WEAVERLING
ELIZABETH M. WILLIAMS
SCOTT A. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KONIKI L. AIKEN
EDITH R. AKOTO
MELISSA M. ALEXANDER
SHEILA I. ALMENDRASFLAHERTY
ANNE M. ASHTON
SCOTT E. AVERY
TONYA BAILEY
ANGELA M. BARTOW
BROOKE M. BASFORD
ARIC V. BAUDEK
TROY J. BAUMANN
BRIAN B. BEALE
CONSTANCE BEALE
VAVADEE V. BELKO
CINDY L. BELTEJAR
HOLLY M. BONDS
GLENN A. BRADFORD
LAURA A. BRADFORD
GEORGE J. BRAND
CARL R. BURGAN
KATHLEEN M. CAFFREY
RAMON O. CALADCAD
RODNEY L. CAMPBELL
LONETTA CANALES
MATTHEW J. COLANGELO
TARA N. COLLINS
PAUL D. COOPER
JAMES F. COTTON
JESUS M. CRESPODIAZ
JOHN C. DANIELS, JR.
MONICA J. DELANO
PETER M. DEYOUNG
TIFFANY A. DODSON
THOMAS J. DOWDLE III
KURT B. DUNCAN
TREVR W. EBORN
KRISTIN L. EDGAR
JOSE L. ESTRADA
ANDREW D. FORREST
NEVA R. FUENTES
RAYNARD GIBBS
PATRICIA A. GILL
LOUISE L. GILLESPIE
KURT J. GIOMETTI
DAVID R. GOODRICH
VICTOR C. GORDON
PHILIP L. GRADY
JERRI M. GRAY
MARK R. GREEN
JOSEPH D. HACINAS
JAMES L. HAFFNER, JR.
PATRICK R. HARRISON
BRIAN K. HEERMANS
GREGORY J. HEIMALL, JR.
PAULO M. HERNANDEZ
LISA H. HILL
KYLE D. HINDS
VIRGINIA M. HINRICHS
STUART R. HITCHCOCK
MARIA T. HOLLY
ERIC M. HOYER
FREDERICK L. HUSS, JR.
HERMAN H. JENKINS
LAURA L. JENSEN
KARI L. JOHNDROWCASEY
PATRIELLE R. JOHNSON
TRACI L. JOHNSON
VINCENT B. JOHNSON
MATTHEW C. JONES
MELISSA M. KENNEDY
DIANE N. KIILEHUA

LETICIA S. KING
ERIC J. KULHAN
CASSANDRA M. LEATE
MICHAEL K. LISNERSKI
JASON S. LITCHFIELD
DANIEL S. LONGBONS
CHRISTINA B. LUMBA
CATHERINE A. LUNA
CHRISTINE T. MACLAN
RODOLFO MADRID
CRAIG T. MALLOY
EDWARD A. MARTINEZ
JORGE E. MARTINEZ
JODIE L. MARTINO
REYNALDA MCBEE
DANIEL S. MCCLURE
TRACY M. MCCULLOUGH
SCOTT J. MCFADDEN
DAVID J. MCINTIRE
CRISTY L. MCWETHY
CHRISTIAN T. MELENDEZ
KEVIN J. MICHEL
MERIDETH L. MILLER
MICHELE L. MILLER
SUSAN L. MOJICA
LONG N. NGUYEN
STACY L. NILSEN
PAUL E. OBERTONE
KRISTINA R. OLIVER
JACK A. PAGE
PRESCOTT R. PALMER
CARLA A. PAPPALARDO
REMY R. PASCUAL
SHAWN R. PASSONS
PAUL E. PELLINI
PENNY S. PEREZ
COLLEEN M. PERLAKSOTO
JESSICA M. PIPKIN
JOSEPH E. PLASSE
RICHARD A. POZNIAK, JR.
ANGELICA M. PUCHA
KENNETT D. RADFORD
MARDDI J. RAHN
ANN M. RANIOWSKI
DAVID D. REDD
JAMES M. REILLY
FLOYD W. ROBINSON
JASON P. ROBINSON
MARTYN G. ROTHERMEL
EDWARD SALAS
RODOLFO G. SANJUAN
MISTY D. SCHEEL
HEATHER A. SHATTUCK
ELIZABETH J. SHAUBELL
MARTIN F. SHELL
JOHN SINCLAIR
DENITA J. SKEET
LYNN M. SKINNER
JAMES C. SPRADLING
SEBASTIAN STACHOWICZ
LENA G. STEPHENS
KATHRYN M. R. STEWART
AMY M. STONE
PIPER A. STRUEMPH
CHRISTINA L. TELLEZ
JAMES C. TESSIER
MONICA A. TONEY
TONY TORRES
SHANON F. TOTH
DEIRDRE C. TREADWAY
MELISSA R. TRONCOSO
LEONARD C. TROTTER
JIMMY S. TRUJILLO
JENNIFER C. TRZASKUS
DONALD J. VEACH
TARAIL VERNON
RONALD W. WAGNER, JR.
ALICIA J. WEISSGERBER
EDWARDO C. WELDON
KIMBERLY A. WHITEHILL
MALISSA D. WICKERSHAM
ROGER A. WILLIAMS
CHARLES B. YOUNG
LANE C. ZEITLER
JAMES S. ZMIJSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINIC J. ANTENUCCI
CHERYL R. AUSBAND
ERIN M. BAXTER
MARYANN M. BRIDGES
DEREK BUTLER
ANDREW E. CARMICHAEL
LIAM A. CONNEL
SARA R. DEGROOT
JONATHAN E. DOWLING
JARED R. EDGAR
TIMOTHY M. FLINTOFT
JUSTIN L. HAWKS
MATTHEW W. IVEY
BARBARA A. KAGLE
CHRISTOPHER P. KIMBALL
TRACY D. KIRBY
BRIAN D. KORN
PATRICK L. LAHIFF
CHARLES M. LAYNE
GEORGE W. LUCIER
KATHRYN D. MATT
MICHAEL J. MELOCOWSKY
MARY R. MURPHY
GOPI J. NADELLA
DONALD R. OSTROM
GERALDO PADILLA
BRADLEY S. PARKER
ELISABETH H. PENNIX
EDWARD M. PIERCE
ERIN C. QUAY
MICHELE V. ROSEN
ALISON S. SHULER
MEREDITH M. STEINGOLD
SEAN M. SULLIVAN
CHAD C. TEMPLE
MICHAEL R. TORRISI
LUKE A. WHITTEMORE
DELICIA G. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRENT N. ADAMS
ROMAN G. ALLEN
JAMES B. AREA
KEARY L. ASHMORE
ANGELA J. BAKER
JOHN R. BALENTINE III
CHARLES R. BANKS
KATHRYN A. BARBARA
DAVID G. BENTLEY
TAWANNA B. BLANCHE
CARLIS W. BROWN
BILLY S. BURK
TRAVIS N. CARR
TERESA CEBALLOSMCARTHUR
COLEMAN C. CHANDLER, JR.
TODD J. CHARLESWORTH
MEGAN E. CLAUSEN
CRYSTAL E. DAILEY
JAMIE M. DAUT
MATTHEW D. DAUT
RODERICK DAVIS, JR.
SUZANNE M. DECKER
JAMAL DEJLI
VICTOR M. DELATORRE
BRENT M. DENNIS
MARCIANO A. DIAZ
DAVID J. DOLAN
RAFAEL T. DOMINGO
BRIAN D. ENGESSER
JANINE E. ESPINAL
BENJAMIN J. ESPINOSA
JUSTIN B. EUBANKS
MYRON L. EVANS
CARLOS S. FAIRLEY
JULIAN FERGUSON
ROMMEL D. FLORES
JOSEPH J. FORD, JR.
AARON J. FRANK
CHRISTOPHER N. GILMORE
JINAKI S. GOURDINE
PETER J. GRANT
SHANNON L. GRANT
MICHAEL J. GREGORY
LASHELLE R. HAMILTON
KIBWE A. HAMPDEN
BRETT H. HICKS
LONGCHAU D. HOANG
NICOLE HOFFMAN
DARLA M. HOWELL
BRIAN M. HOWER
ANNE M. JARRETT
AUTUMN P. JOHNSON
WILLIAM L. JOHNSON
JOHN H. JONES II
THOMAS C. JONES
MATTHEW R. KASPER
SEAN W. KELLEY
NATHAN C. KINDIG
JO M. KITCHENS
SHANE W. KNISLEY
TAMARA L. KOCH
CODY L. LALLATIN
THANH LE
BRENT S. LEVINGSTON
MARY E. LINNELL
SHEKINAH L. MAGEE
SUSAN MALBOEUF
MATTHEW P. MARCINKIEWICZ
KINAU Y. MCCOY
DARION MCCULLOUGH
DAVID M. MCETTRICK
IAN T. MCGUINNESS
JARED A. MCKENDALL
ROY A. MCKINNEY, JR.
TRACY L. MCMONIGLE
ALICE P. MOSS
SHAWN A. MUSARRA
AMANDA S. NEAL
BILLY W. NEWMAN
ANNMARIE A. NOAD
TATANA M. OLSON
ADELINE L. ONG
EUGENE D. OSBORN
JOSEPH A. PHILLIPS
KARINE O. PIERRE
ERIC A. POLONSKY
JOHN B. PRICE
NICHOLAS A. PUKISH
AMARJEET S. PUREWAL
LINH H. QUACH
JET RAMOS
ELIZABETH C. RAPHAEL
CORBIN M. REYNOLDS
LYDIA R. ROBINSON
EFRAIN ROSARIO
JUAN N. ROSARIO
BALDOMERO J. SAGRADO
LUIS SANCHEZ
MIGUEL A. SANTIESTEBAN
DOUGLAS A. SEARLES
ZINOVIY B. SENISHIN
JOHN A. SHANNON III
ELIZABETH G. SKOREY
DAVID J. SOHL
SUSAN A. SPARKS
NOAH T. SPERNER
EMILY J. SPRAGUE
CHRISTOPHER T. STEELE
ANDREW J. STEGALL
NICOLE V. STEWART
SANDRA SU
AMY N. SULOG
JOHNATHAN L. SWIGER
JARED H. TAYLOR
MARCUS K. TAYLOR
AYESSA B. TOLER
BOBBIE J. TURNER
STACIE L. TURNER
GEORGE W. VANCIL
DAREN A. VERHULST
VANCE T. VOGEL
MARK D. WAKEFIELD
PETER B. WALKER
STACY J. WASHINGTON
CHRISTY A. C. WEIMER
WILFRED H. WELLS
ARCELIA WICKER
RUSSELL F. WIEGAND
CHARLES R. WILHITE
MAYA WILLIAMS
SUZANNE J. WOOD
JEFFREY S. WORRELL
HOWARD L. WRIGHT, JR.
EMILY L. ZYWICKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TERESITA ALSTON
MARJORIE W. BARNDT
CASEY J. BURNS
MITCHELL R. CHECCHI
CAREY H. COLLINSDEISLEY
MICHAEL B. FLANNERY
JOSEPH J. FRANZKE
FREDERIC GIAUQUE
BRACKEN R. GODFREY
BENJAMIN M. GRAY
KEVIN W. HAVEMAN
JOSHUA F. HENSON
JEFFREY W. HILLEY
SARAH T. LAWSON
DAVID Z. LIU
MAX P. MONCAYO
ANABEL Y. NATALI
JOHN J. NEAL
SCOTT A. PASIETA
RHONDA R. ROBERTS
ANGELA M. ROLDANWHITAKER
JENNIFER L. SMITH
RICHARD E. SWAJA
RAYMOND F. TINUCCI
NICOLE G. WARD
KIRSTIN C. WIER
ERIN K. ZIZAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KENRIC T. ABAN
THOMAS B. ABLEMAN
SHANNON P. ADAMS
JAVIER AGRAZ, JR.
ZACHARY I. ALBERT
KENNETH M. ALEA
BILL D. ALEXANDER
KEITH A. ALFIERI
LEE R. ALLEN
BRYAN T. ALVAREZ
RUDOLF F. ALVEY
GREGORY J. ANDERSON
STEVEN M. ANDERSON
STEVEN P. ARMBRUSTER
RYAN D. ARNOLD
MARTIN A. ARRISUENO
JOSHUA D. ARTHUR
SCOTT A. ASAKEVICH
DENNIS A. AUTH
CHAD J. BAARSON
JAMES R. BAILEY
ROBIN K. BARENG
KATRINA R. BARNES
ADAM B. BARRUS
DANIEL R. BEASLEY
JASON G. BECK
SHAWN A. BELVERUD
DAVID A. BENSON
JANE E. BENSON
SHELBY S. BEST
EVAN J. BILSTROM
DAVID L. BLACK
KRISTINA R. BLACKKRATOVIL
SHANNON R. BLACKMER
KENNETH T. BLACKNER
KEISHA N. BLAIR
WILLIAM A. BOLLER
MARK E. BOMIA
ARON R. BONEY
MATTHEW J. BRADLEY
TODD M. BRAGG
APRIL L. BREEDEN
RYAN B. BRENES

TIMOTHY J. BRUEHWILER
KIM E. BURKE
MELISSA A. BURYK
LYNN T. BYARS
DANA H. CASH
SEAN P. CAUFIELD
JOHN M. CHILDS
ALDEN V. CHIU
JAMES CHUNG
FRANCESCA M. CIMINO
STEPHEN D. COATS
PETER M. COLE
MONA M. COLIANNO
DERRICK H. COLMENAR
CAMERON H. COLVIG
ERIK J. CONDON
SEAN P. CONLEY
NICHOLAS C. CONNOLLY
RANDY W. CONNOLLY
SABRINA J. COOLEY
JENNEA A. CORREIA
CAMILLE K. COWNE
GARFIELD CROSS
EMILY L. CROSSMAN
HOWARD T. CUSICK
BRADLEY K. DEAFENBAUGH
ADAM C. DEISING
COURTNEY E. DEJESSO
KRISTINA M. DELAROSA
ROBERT T. DENDALL
TARA T. DEVER
JENNIFER M. DEWEY
THOMAS J. DOUGLAS III
BRIAN E. DOWNING
BRENT R. DRISKILL
ERYN J. H. DUTTA
COLBY L. EDWARDS
CHARLES L. EGAN
JOHN C. EHRMANN
ADRIAN ELLIOTT
MICHAEL P. ELLIS
REBECCA J. ENSLEY
TRAVIS M. ERICKSON
JONATHAN D. ERPENBACH
AMY K. EVANS
WILLIAM L. FALLS
KENNETH M. FECHNER
TODD A. FELLARS
PAYTON G. FENNELL
BRIAN A. FISCHER
CHRISTOPHER W. FOSTER
GREG S. FUHRER
WENDY J. FULGUERAS
MATTHEW E. GAFFIGAN
SHAYLA K. GAITHER
ROBERT M. GALLAGHER
TERREL L. GALLOWAY
MICHAEL A. GALUSKA
DYNELA A. GARCIA
SHAWN M. S. GARCIA
JOSHUA P. GARLAND
DOMINIC T. GOMEZLEONARDELLI
JAROD E. GOODRICH
ERIC P. GOODSPEED
JOHN C. GRADY
MICHAEL S. GREEN, JR.
TREVOR T. GREEN
NATHANIEL V. GREENWOOD
TODD E. GREGORY
STEVEN D. GRIJALVA
ERIK T. GROSSGOLD
STACEY M. GRUBER
GEORGE HAHM
JAMES E. HAMMOND
KATHRYN H. HANNA
JAMES A. HARTWELL
HEATHER J. HAVENER
REED M. HECKERT
PATRICK M. HENDERSON
LANCE R. HENNINGER
MARYJO J. HESSERT
NEIL N. HINES
HEATHER L. HINSHELWOOD
INGRID E. HODEN
JAMES W. HODGES III
KELLYE A. HOFFMAN
WILLIAM W. HOOKS
KHRISTINA J. HOOVER
JOSEPH T. HUMPHREY
JASON L. T. HWANG
KATSUYA A. IIZUKA
KAREN B. JACOBSON
CHRISTINA L. JAHNCKE
SHERRY L. JILINSKI
PAUL A. JIMENEZ
MARC T. JOHANNSEN
CRYSTAL L. JONES
NAZIMA N. KATHIRIA
TAMARA C. KELLEY
TERRENCE M. KILFOIL
MICHAEL B. KIM
MICHAEL H. KINZER
CHARLES C. KO
JOSEPH G. KOTORA
MORIAH S. KRASON
MICHAEL J. KRZYZANIAK
MATTHEW A. KUETTEL
JACOB E. KURIAKOSE
MARTIN KUS
JULIA M. KWAN
ROBERT J. LACIVITA
JUSTIN P. LAFRENIERE
JOHN E. LAIRD
JACQUELINE S. LAMME
RICHARD S. LANGTON
CARSON T. LAWALL
ROBERT D. LAWSON
LANCE E. LECLERE
JESSICA J. LEE
JASON R. LEFRINGHOUSE
JONATHAN S. LEIBIG
STEPHEN L. LEWIS
SUNG J. LIM
THUY K. LIN
DAYNA T. LOBRAICO
ROBERT E. LOVERN
HENRY G. LUU
HERMAN O. LYLE
TAKMAN E. MACK
CHRISTINA L. MALEKIANI
THADDEUS D. MAMIENSKI
ADRIENNE D. MANDEVILLE
SHANNON M. MARCHEGIANI
APRIL S. MATIASEK
MICHAEL C. MATTINGLY
LUCAS S. MCDONALD
GAVIN C. MCEWAN
ROBERT L. MELLON
NANCY L. MILLER
KATHERINE E. MILROY
JOSHUA W. MINYARD
JON M. MONTGOMERY
DEEPTI S. MOON
JEREMY P. MOORE
TOD A. MORRIS
JOSEPH J. MUELLER
THOMAS J. MURPHY II
KEVIN M. NASKY
MEGHANN E. NELLES
NEELY N. NELSON
SARA C. NELSON
STACEY C. OLNEY
CHRISTINA A. OLSON
DANA J. ONIFER
LISA M. PALACHECK
ANDREW M. PARAD
SANGHEE D. PARK
SCOTT C. PARRISH
ANDREW J. PASETTI
MERCEDES I. PATEE
MANISH G. PATEL
GUILLERMO E. PATINO
LEIF L. PAULSEN
STEPHEN H. PEARSON
ADAM D. PERRY
LORI N. S. PERRY
ANDREW I. PHILIP
AARON T. POOLE
EVELYN M. POTOCHNY
IAN D. POWELL
JAMES D. PRAHL
SCOTT G. PRITZLAFF
KRISTA M. PUTTLER
BENJAMIN N. QUARTEY
AARON D. REED
GLENDA B. ROBLES
LEONARDO N. RODRIGUEZ
DAVID M. ROGERS
ELLIOT M. ROSS
FAYE M. ROZWADOWSKI
BRIANNA L. RUPP
JESSE T. RYAN
SHEREE B. SAUNDERS
JOSEPH W. SCHMITZ
AARON J. SCHUENEMAN
CHRISTOPHER SCHULTHEISS
JANE SCRIBNER
AMANDA R. SELF
DANIEL J. SENGENBERGER
ANIL N. SHAH
NISHA A. SHAH
MELISSA J. SINGER
MARVIN J. SKLAR
MICHAEL R. SMILEY
JASON E. SMITH
KIMBERLY I. SMITH
BARBARA B. SPEER
JOEL R. SPENCER
JODI L. SPETH
SHAWN P. SPOONER
REBECCA A. STABEN
MICHAEL D. STARSIAK
KARIS A. STENBACK
CHRISTIAN M. SUTTER
RICHARD J. SWEENEY
VULIHN TA
JASON J. TANGUAY
BRADLEY M. TAYLOR
GRETCHEN E. THIEMECKE
BEJOY G. THOMAS
JENNIFER A. THOMAS
RACHEL E. THOMAS
CHRISTA M. THOMASMA
SCOTT M. TINTLE
MEGAN A. TITAS
ROBERT W. TRACEY
AMY C. TREWELLA
MARK P. TSCHANZ
DAVID J. TUNNELL
NATALIE B. B. TUSSEY
JAMES C. VALENTINE, JR.
JOHANNAH K. VALENTINE
MARCEL M. VARGAS
JAIME VEGA
TORRIN W. VELAZQUEZ
DIANE M. VROENEN
KYLIE L. WAINER
ROBERT A. WALTZ
TYLER E. WARKENTIEN
ERIC L. WENG
JANET M. WEST
WILLIAM L. WHITING
VAN A. WILLIS
ADDISON G. WILSON, JR.
NELLY Z. WILSON
KELLY A. YANNIZZI
HANFORD K. YAU
ERIC H. YEUNG
LISA A. ZALESKI
MARK C. ZELLER
FRANKLIN R. ZUEHL

EXTENSIONS OF REMARKS

A TRIBUTE TO HERMAN MERRITT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Herman Merritt for his contributions to education and his community.

Herman Merritt, a lifelong resident of Brooklyn, New York, was born and raised in the Gowanus Housing Project. He won a Martin Luther King Scholarship to attend New York University and graduated with a Bachelor's Degree in Education and a Master of Arts in Educational Administration. He also received an Advanced Certificate in Educational Administration from City College.

Mr. Merritt began his career in 1974 as a Social Studies and Mathematics teacher at JHS 265 in District 13. He continued his service to the New York City Department of Education in various positions. After serving as an Assistant Principal at P.S. 13 in District 19, he was appointed Principal at the Lewis H. Latimer School (P.S. 56) in District 13. He served there for 13 years until he became a mentor and finally Coordinator of the Supervisory Support Program. Mr. Merritt is retiring from the Department of Education after 36 years of service.

As a recipient of the Martin Luther King Scholarship, he has tried to make working for social justice an integral part of his life. He is active in many community organizations and a founding member of the Men's Caucus for Ed Towns.

Mr. Merritt resides in Bedford Stuyvesant with his wife Sherry and son Adam.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Herman Merritt.

HONORING AMITY TOWNSHIP CRIME WATCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GERLACH. Madam Speaker, I rise today to congratulate Amity Township Crime Watch as the organization celebrates its 25th anniversary.

Since its founding in 1985, Amity Township Crime Watch has been a valuable crime-prevention resource for residents and businesses concerned for the protection of their homes and property. Known as the "eyes and ears" of Amity Township, Crime Watch has organized patrols, trained residents on how to recognize and report possible criminal activity and supported local law enforcement by providing supplemental funding for equipment and other items.

Thanks to extremely dedicated and hard-working volunteers and the outstanding support of the Police Department and Board of Supervisors, Amity Township Crime Watch has demonstrated the positive impact engaged citizens can have in keeping their community safe and making Amity Township a great place to live, work and raise a family.

Volunteers, residents, law enforcement and others will celebrate the 25th anniversary on Saturday, September 25, 2010 at Saint Paul's Lutheran Church in Douglassville, Berks County, Pennsylvania. Madam Speaker, I ask that my colleagues join me today in congratulating the volunteers and supporters of Amity Township Crime Watch as they commemorate this memorable milestone and in extending best wishes for continued success in preventing crime and serving the community.

HONORING NATHAN MIDDLETON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Nathan Middleton. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 235, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has contributed to his community through his Eagle Scout project. Nathan designed and constructed ten wood duck boxes for Happy Holler Conservation Area in Andrew County, Missouri.

Madam Speaker, I proudly ask you to join me in commending Nathan Middleton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 175TH ANNIVERSARY OF THE TRINITY UNITED METHODIST CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 175th anniversary of the Trinity United Methodist Church in West Frankfort, Illinois.

In 1835, the same year that noted American author Samuel Clemens—better known as Mark Twain—was born, a dedicated group of Methodists in Frankfort, Illinois gave birth to a new church and constructed a log structure as a place of worship. While the earliest history of the church existed as oral narrative, the church was known as the "Old Frankfort Methodist Church."

The first pastor of record was the Reverend J.P. Crawford. As the church and the Methodist denomination evolved, there were several name changes. In 1853, the church was named the Methodist Episcopal Church and then, in 1939, already over 100 years old, it became the Trinity Methodist Church. In 1968, it was named the Trinity United Methodist Church, after the Evangelical United Brethren Church and the Methodist Church merged to form the United Methodist Church.

As the congregation grew, the old log church could no longer meet its needs and a new frame church was built around 1875. Further structural changes were made after the Second World War, when the church was bricked and the parsonage was remodeled. A new parsonage was constructed in the 1960s.

The 175 year history of Trinity United Methodist Church has not been without some lean years. In the early part of the 20th century, it was feared the church would cease to exist but, through the dedicated efforts of a few determined parishioners, the church got through those tough times and has continued as the oldest church in what is now West Frankfort, Illinois.

Madam Speaker, I ask my colleagues to join me in honoring the 175th anniversary of the Trinity United Methodist Church and wishing the best to the congregation for many years to come.

TRIBUTE TO CHARLES ANSBACHER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to an admirable leader and beloved friend's husband, Charles Ansbacher. His life exemplifies an attainable American dream. Mr. Ansbacher was a firm believer in the power of music to lift individual spirits. For this, I commend his legacy.

Mr. Ansbacher was born in Providence and grew up in Vermont. His parents, noted psychologists Drs. Heinz Ludwig and Rowena Ripin Ansbacher, encouraged his study by sending him to Greenwood Music Camp and Tanglewood. He later majored in physics at Brown University but switched to music after creating a successful chamber orchestra with his classmates. He studied music at the University of Cincinnati in Ohio and at the Mozarteum in Austria.

His faith in music's ability to forge and repair a community led him to guest conduct far outside the typical circuit. He worked with orchestras in Beirut, Jerusalem, Azerbaijan, Belarus, Macedonia, Moldova, and Uzbekistan and

held positions with the Moscow Symphony Orchestra, the Bishkek Philharmonic Chamber Orchestra of Kyrgyzstan, and the Sarajevo Philharmonic. He was the first American to conduct the Vietnam National Symphony.

When he founded his orchestra in 2000, Mr. Ansbacher placed the word ''landmarks'' in its title to signal his belief in the connection between his music and the locations where it was created. During that period he also developed his public policy interests, serving as a White House Fellow and co-chairing a U.S. Department of Transportation task force that advocated for the use of federal funds to build a presence for the arts within the mass transit system. As he was involved with his work, he met my dear friend, Swanee Hunt, whom he later married and accompanied to Vienna when she was appointed U.S. ambassador to Austria. There he worked as a guest conductor, and began his relationship with the Sarajevo Philharmonic.

Ambassador Swanee Hunt, Ansbacher's wife of 25 years, said: ''Concerts, audience members, and passengers can be counted, but the impact of his ideas is incalculable. He imagined opportunities where others saw barriers. How many of us have dreamed bolder dreams, reached unimaginably farther, because of his stubborn encouragement and prodding? Our work is an extension of his work—no, of his life.''

Madam Speaker, on behalf of the Thirtieth District of Texas and North Texas community, I am honored to commend the life of an astounding man, Charles Ansbacher.

TRIBUTE TO MARIO OBLEDO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BACA. Madam Speaker, I along with Representatives DORIS MATSUI, LAURA RICHARDSON, GRACE NAPOLITANO, CIRO RODRIGUEZ, CHARLES GONZALEZ, JUDY CHU, SOLOMON ORTIZ, and LINDA SANCHÉZ rise to pay tribute to a great citizen, civil rights leader and humanitarian, Mario Obledo. A long time crusader for justice, Mario died of a heart attack on Aug. 18, 2010 at the age of 78, in his home in Sacramento, California.

Mario was a trailblazer, some referred to him as the ''Godfather of the Latino Civil Rights Movement.'' A symbol of activism, he took on employment discrimination, advocated for affirmative action and encouraged bilingual education. Mario was committed to ending all forms of racial injustice, and served as a respected advocate for his community.

Throughout his legal career Mario desegregated schools, reformed jury selection, integrated swimming pools, and took down signs barring Mexicans from entering businesses. In one famous case, he defeated a utility company with a height requirement that prohibited hiring anyone with an accent.

Mario was born in San Antonio, Texas, in 1932 to Concepcion Guerra and Jesus Obledo, immigrants who migrated to the United States during the Mexican Revolution. As a child he grew up in a tiny house off a dirt road and slept on the floor with his 12 siblings.

Mario's father died when he was five. His family often had to hustle to support itself, but Mario was encouraged by supportive adults to stay in school. His mother repeated to him, ''teachers are second to God.'' The pharmacist he worked for since the age of 12 urged him to go to college.

Mario served in the Navy during the Korean War and graduated from the University of Texas at Austin in 1957 with a pharmacy degree. Working as a pharmacist, he put himself through law school and graduated from St. Mary's University in San Antonio in 1960.

Mario believed his greatest achievement was opening doors of employment to Latinos. He taught law at Harvard University and is credited with encouraging Latinos to enter state government.

Mario served as President of the National Coalition of Hispanic Organizations before he passed. He had a long and illustrious career in public service, working as Assistant Attorney General for the State of Texas, and later appointed head of the California Health and Welfare Agency from 1975 to 1982. In this capacity he served as the first ever Hispanic chief of a California State Agency.

In 1982 Mario was the first Hispanic citizen to mount a serious campaign for governor of California, despite losing he never lost his passion for justice and equality. He never tired of fighting for and advocating on behalf of the poor and underprivileged.

Mario successfully challenged discriminatory electoral systems and registered hundreds of thousands of Hispanic voters. He addressed candidates when they ignored issues affecting Latinos. Mario cried foul against Taco Bell in the late nineties, when it depicted a Chihuahua speaking with a stereotypical Mexican accent in national advertisements.

Mario along with fellow veteran Pete Tijerina, co-founded the Mexican American Legal Defense and Education Fund (MALDEF). Mario was responsible for MALDEF's litigation program, he organized legal seminars and disseminated legal information to the community. He lectured at colleges and universities and encouraged dialogue as a panelist at conferences and seminars.

Mario was co-founder of the Hispanic National Bar Association and the National Coalition of Hispanic Organizations. He served as president of the League of United Latin American Citizens (LULAC) from 1983 to 1985, was Chairman of the National Rainbow Coalition from 1988 to 1993, and also served on the Martin Luther King Jr. National Holiday Commission.

Mario holds many honors and awards recognizing his contributions to the advancement of civil liberties for people of color. In 1973, he was awarded the National Urban Coalition Distinguished Urban Service Award. In 1985 he was given the Ohtli Award, Mexico's highest civilian award to a foreigner. In 1998, Mario was honored with the Presidential Medal of Freedom by President Bill Clinton. In 1999 he was awarded the National Hispanic Hero Award by the United States Hispanic Leadership Institute.

Madam Speaker, we join today to express our gratitude to Mario for his life work and philosophy. A belief in helping others, a love of community, and patriotism compelled him to lead a tremendous life of service. It is fitting, on such an occasion that we tribute Mario Obledo for the exceptional friendship and leadership that is his legacy.

COACH CHARLIE DAVIDSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to pay tribute to one of Georgia's coaching greats, Charles V. ''Charlie'' Davidson. Coach Davidson spent his football coaching career as the head coach at Washington-Wilkes High School and at the Darlington School in Rome, Georgia.

From 1952 to 1970, Coach Davidson led the Washington-Wilkes Tigers football team to four state championships. During his career, he won more games than any coach in the history of both schools.

Coach Davidson's outstanding career includes 244 wins, 92 losses, and 14 ties. At the time of his retirement, he was the sixth winningest coach in the history of Georgia high school football. This impressive record earned him numerous honors and awards, including induction into the Georgia Athletic Coaches Association Hall of Fame in 2005.

Madam Speaker, I want to congratulate Coach Davidson on his remarkable career and join Washington-Wilkes High School in honoring him as they dedicate Charlie Davidson Field at Tiger Stadium tomorrow evening.

I ask that my colleagues join me in recognizing Coach Charlie Davidson.

COMMEMORATING THE 90TH ANNIVERSARY OF THE NINETEENTH AMENDMENT ESTABLISHING WOMEN'S SUFFRAGE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DELAURO. Madam Speaker, I rise to commemorate a significant milestone in our national story, and to applaud the millions of tenacious, tough-minded American women who worked so hard to see it accomplished.

Ninety years ago, our nation ratified the Nineteenth Amendment to the Constitution, giving women the right to vote all across the country. This was an achievement that was years, even centuries, in the making.

Even before our nation declared independence, the seeds of suffrage can be found in the letters of Abigail Adams, when she implored her husband John to ''remember the ladies and be more generous and favorable to them than your ancestors.'' Its roots took hold at the Seneca Falls Convention of 1848, where antebellum reformers argued that ''all men and women are created equal'' and, in the Declaration of Sentiments, first demanded the right to vote. And the movement had begun to flower as early as 1869, when Wyoming became the first American territory to grant women the vote.

Over the course of the nineteenth century, committed reformers such as Elizabeth Cady Stanton, Lucretia Mott, Lucy Stone, and Susan B. Anthony kept the passion for women's suffrage burning in the American imagination. And in the early decades of the twentieth century, a new generation of progressive reformers kindled this flame into a wildfire. Thanks to

the hard work of women like Jane Addams, Carrie Chapman Catt, Alice Paul, and millions more, women's suffrage at last became the law from sea to sea.

As women took to the polls, women legislators were not far behind. The passage of the Nineteenth Amendment paved the way for Jeannette Rankin, the first women elected to Congress—she would take office only four years later. It paved the way for Ella Grasso of my home state of Connecticut, the first women elected Governor independent of her husband.

And it paved the way for a whole host of diverse women leaders who have worked to transform American politics, from Bella Abzug, Shirley Chisholm, and Patsy Mink to Margaret Chase Smith, Nancy Kassebaum, and Connie Morella; from Ann Richards to Hillary Rodham Clinton to our very own speaker, NANCY PELOSI.

Ninety years ago, our nation took another large and important step towards fulfilling the promise of the founding—that this was and shall always be a land that enshrines freedom, equality, justice, and opportunity for every man and every woman. I applaud the millions of Americans in our history who worked hard to make women's suffrage a reality. And I urge my fellow women to honor this achievement by getting engaged in politics, by voting this and every November, and by committing to lead us all into the future.

AUTHORIZING PEACE CORPS COMMEMORATIVE WORK

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. HONDA. Mr. Speaker, as a returned Peace Corps Volunteer, I rise in support of H.R. 4195, Authorization of the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs.

I commend Representative SAM FARR and members of the Committee on Natural Resources for the hard work and thoughtful consideration that went into this bill. I am pleased this bill will authorize the Peace Corps Commemorative Foundation to establish a memorial that honors the Peace Corps and the instrumental role it plays in establishing prosperous foreign relation and cross-cultural understandings. Through the selfless service of men and women of this nation as Peace Corps Volunteers, the Corps' mission of world peace and friendship is realized around the world.

Since President John F. Kennedy's call to service, almost 50 years ago, nearly 200,000 Peace Corps Volunteers have served in 139 host countries to train local people in technologies and issues including agriculture production, water quality improvement, basic education, AIDS education, information technology, and environmental preservation. With the recent devastations in Haiti and Chile, we are continuously reminded of the significance of community service and inspired by the valuable assistance the Peace Corps provide.

My personal experience as a former Peace Corps Volunteer in El Salvador building schools and health clinics continues to inspire me to actively advocate for the expansion of this worthy and necessary organization. The experience meant much to me and marked the beginning of my lifelong commitment to public service. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

To that end, alongside of my colleagues, I requested $465 million for FY 2011 Peace Corps fund, allowing the Peace Corps to modernize its systems, optimize the number of Volunteers and staff in existing countries, strengthen recruiting and diversity efforts, continue to expand to new nations, and maximize safety and security training and compliance efforts. Although a lot has been achieved since the Peace Corps' inception, it is currently at half the size it was in 1966. I am greatly encouraged by President Obama's commitment to expand public service by building upon the Peace Corps and creating innovative programs that inspire Americans, from all walks of life, to bear the torch of peace and goodwill.

Again, I congratulate the Committee on Natural Resources and Representative SAM FARR for their work on this bill and I urge my colleagues to support this important legislation to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs. In this time of world conflict and economic disparities I find hope in the work of the Peace Corps. Their mission is more vital than ever and my resolve to reinvigorate our Nation's greatest and most cost-efficient diplomatic tool is strengthened. Let us all pay tribute to the hard work, perseverance, determination, compassion, and idealism of the Peace Corps and past and current Peace Corps Volunteers around the world.

TRIBUTE TO DEREK FARLEY

HON. SCOTT MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MURPHY of New York. Madam Speaker, the following is an exchange of e-mails between Derek Farley and his mother, Carrie.

Communication between Carrie Farley and Derek Farley before he left for Afghanistan September 11, 2009:

It was nice hearing your voice and thank you for the call.

I'm proud of you Derek, you are right. For a young man you've accomplished and experienced a lot within your years of travel. You've met some really good friends, people you will always be able to depend on and will have your back.

All these experiences have made you a wonderful young man and I'm proud to be your mother.

I love you,

MOM.

I know I never said it when I was home but I love what I am doing in life and my job is my life. If something were to happen to me just remember I do the most dangerous job because it has the most rewarding payoff.

My life is EOD and if I get hit then I do it as an EOD Tech. There would be no greater honor for me if it comes to it, but I keep fighting because there are thousands of mothers out there just like you who want to see their sons and daughters again.

That is my motivation—to be an EOD guy. I know it sucks to talk about it, but its true and there is a chance it could happen.

I just need you and dad and the rest of the family to keep supportive and let me do my thing. I trust my guys and when times are hard they keep me in line. I have the best training and the best back up anyone in the EOD field could ask for and that is 100% true.

DEREK.

99TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. FOXX. Madam Speaker, October 10th marks the 99th anniversary of the Republic of China, ROC. From its first days in mainland China, the ROC has always been a world economic leader. Taiwan's rapid industrialization after the Second World War and Chinese Civil War has long since provided a fertile market for many U.S. companies.

Following World War II, Taiwan suffered horrific hyperinflation. The ROC government thus created a new currency zone for Taiwan, as well as a vital price stabilization program. Future U.S. economic assistance resulted in full price stabilization as early as 1952. Taiwan's ROC government then went about installing an import-substitution policy, helping local companies produce for themselves much of what they had until then imported.

Agriculture made up 35 percent of Taiwan's economy in 1952. That figure is roughly only 2 percent today. Taiwan has sustained much of its economic growth in modern times, and can now be thought of as nothing less than a fully developed economy. Real gross domestic product growth has averaged roughly 8 percent over the last 30 years. In fact, 2001, a year of nearly universal worldwide recession, was the first year since 1947 that Taiwan experienced negative economic growth.

Taiwan enjoys perennial trade surpluses, as well as the world's third highest foreign currency reserves. Dominated by many small and medium-sized businesses, Taiwan's entrepreneurial spirit and lack of undue government interference in the economy also helped shield the island from the worst of the 1997–98 Asian Financial Crisis. Taiwan today is also a major offshore investor in nearby Asian markets, namely mainland China, Vietnam, Indonesia and Malaysia.

I urge my colleagues to join me in congratulating the Republic of China on Taiwan on its many economic achievements during its rich 99-year history, many of which have also benefited U.S. investors, customers and exporters.

HONORING LCPL NATHANIEL SCHULTZ

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor the life, sacrifice, and heroism

of Marine Corps Lance Corporal Nathaniel Schultz, of Safety Harbor, FL.

LCpl Schultz, an assistant gunner, was killed in the line of duty in Afghanistan on August 21st while supporting combat operations in Helmand Province. In the finest tradition of the U.S. Marine Corps, LCpl Schultz wanted to serve his country because he wanted to serve the American people and help the young children of Afghanistan.

Outside of the Marine Corps, Nate was an extraordinary young man. He was a graduate of Countryside High School who enjoyed skateboarding, playing guitars, and participating in outdoor activities.

Madam Speaker, though proud to have such a fine example from the Tampa Bay community, it is with great remorse that I rise to commemorate the life of LCpl Schultz. The young men and women, such as Nathaniel Schultz, who choose to serve their countrymen in the armed forces, amaze me. I appreciate their professionalism and dedication. Their sacrifice, like that of LCpl Schultz, will not be forgotten.

HONORING JOSHUA L. ROUMPH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Joshua L. Roumph. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 235, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joshua has contributed to his community through his Eagle Scout project. Joshua constructed signs for the program buildings and entrance for Camp Farwesta, the host site of Camp Quality, a year-round support facility for children diagnosed with cancer.

Madam Speaker, I proudly ask you to join me in commending Joshua L. Roumph for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RESOLUTION HONORING OUR SCHOOL PRINCIPALS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution supporting October 2010 as National Principals Month. This designation will highlight and recognize the critical role that principals play, leading our schools.

I am pleased to introduce this bipartisan resolution with my colleague from the Education and Labor Committee, Congressman TODD PLATTS.

On any given day, principals are likely to be everything from an educational visionary, to community builder, to budget analyst, to facility manager, to counselor.

This means principals work long hours. In fact, the Bureau of Labor Statistics estimates that one in three principals works more than 40 hours per week and often works additional time supervising school activities at night and on weekends.

Principals set the academic tone for their schools and collaborate with teachers to develop performance goals and objectives, all in an effort to improve student achievement.

In the end, it is principals who are responsible for creating and managing the environment where our students learn and grow.

During the time I served on the San Diego School Board, I worked with many remarkable school leaders. I witnessed how their commitment and energy can inspire an entire school—from the youngest student to the most senior teacher.

It is a privilege to introduce a resolution paying tribute to our dedicated school leaders.

This October, let's honor this important role, which they dedicate themselves to year-round.

CELEBRATING THE 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA AND THE NORTHERN STAR COUNCIL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. MCCOLLUM. Madam Speaker, I recognize the Boy Scouts of America Northern Star Council on the occasion of 100 years of Scouting in Minnesota and nationally. Residents of Saint Paul are proud that the Northern Star Council has its headquarters located in Minnesota's Capital City.

Since it was established in 1910, Boy Scouts of America have been dedicated to training young adults in the promotion of community service, outdoor education, and good citizenship. The Northern Star Council shares equally historic roots as the national organization. The council was originally organized as two councils. The St. Paul Council was organized on October 1, 1910. The movement was spearheaded by St. Paul businessman C.F. Proctor, who happened to be a friend of Sir Robert S.S. Baden-Powell, the founder of the Boy Scout Movement in England.

A group of businessmen meeting at the Minneapolis Commercial Club organized the Hennepin Council on October 15, 1910. Former President Theodore Roosevelt, an avid supporter of the fledgling Scouting movement and Honorary President of the National Council, spoke at the Council's first general meeting in 1911. Sir Robert Baden-Powell himself presented a lecture to the Twin Cities Scouting community at the Minneapolis Auditorium in early 1912.

Over the next ninety years, both councils expanded. By 1960, the St. Paul Council had increased in size nine times, acquiring counties east of St. Paul, including four in western Wisconsin. In 1954, the council chose a new name to better reflect all of its membership: the Indianhead Council. During the same period, the Hennepin Council expanded westward to the North Dakota border and changed its name to the Viking Council.

On July 1, 2005, the Viking and Indianhead Councils merged to form today's Northern Star Council, one of the largest in the country. The council includes a band of communities reaching from the North Dakota border on the west to the communities of Ellsworth and Roberts, Wisconsin, on the east.

Boy Scouts of America is a group that has had a positive impact on generations of young people in Minnesota. I am pleased to honor the members and volunteers for their hard work and constant dedication to our community. Madam Speaker, please join me in rising to honor the 100th Anniversary of the Boy Scouts of America and the Northern Star Council.

RECOGNIZING CONTRIBUTIONS OF NINE HUMANITARIAN AID WORKERS AND MOURNING THEIR LOSS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to recognize the contributions of nine humanitarian aid workers, including six Americans, who were killed in Afghanistan last month, and to mourn their loss.

These six Americans were dedicated to the health and well-being of the people of Afghanistan. Mr. Glen Lapp, a nurse from Lancaster, PA, had been in the country nearly two years and was managing a provincial ophthalmic care program. Ms. Cheryl Beckett from Knoxville, TN, had been working in the areas of community development and maternal-child health for the past six years. Dr. Tom Grams, a dentist from Durango, CO, was inspired to lend his services to victims of the Taliban in Afghanistan shortly after the September 11th attacks. Dr. Tom Little, an optometrist from Delmar, NY, had spent the better part of thirty years in the country and was the coordinator of a national ophthalmic rehabilitation program. Mr. Dan Terry of Pennsylvania had also lived and worked in humanitarian aid in Afghanistan for several decades. And videographer Mr. Brian Carderelli, from Harrisonburg, VA, had been in the country less than a year documenting the lives of the Afghan people.

The humanitarian efforts of this group and others are some of the best ways that Americans can reach out to the people of Afghanistan. This important work will help establish a better relationship between our countries, and directly undermines the work of terrorist groups. We mourn not only the loss of these six brave individuals, but the greater loss to Afghanistan and the United States alike.

Madam Speaker, I ask that all my distinguished colleagues join me in honoring Mr. Glen Lapp, Ms. Cheryl Beckett, Dr. Tom Grams, Dr. Tom Little, Mr. Dan Terry, and Mr. Brian Carderelli. Our world will be a darker place, for want of their light.

COMMEMORATING THE 350TH ANNIVERSARY OF THE HOPKINS SCHOOL IN NEW HAVEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DELAURO. Madam Speaker, I rise to commemorate the 350th anniversary of the Hopkins School, a co-educational preparatory day school in my hometown of New Haven, Connecticut and the third oldest independent school in the United States.

The rich history of Hopkins dates to well before the dawn of our American republic, when Governor Edward Hopkins of the young Colony of Connecticut established America's first charitable trust in 1650. In that trust, he set aside some of his estate for "the breeding up of hopeful youths for the public service of the country in future times." And so a one-room schoolhouse was built on New Haven Green bearing Hopkins' name. From that seed, a fine educational institution has flourished.

In the centuries since, Hopkins has molded many Connecticut youths into fine public servants. Among the school's esteemed alumni are a signer of the United States Constitution, several noted engineers and prize-winning physicists, diplomats and industrialists, governors, Senators, and more than a few presidents of Yale University.

To this day, from its home since 1926 on a hill overlooking New Haven, Hopkins still continues to mold our State's bright young minds into leaders and innovators. With an average class size of fourteen, an educational philosophy that prizes extracurricular activities, public service, and engaged citizenship in addition to the usual academic subjects, and an inclusive community that welcomes young men and women of all races, classes, ethnicities, and creeds, it is little wonder that Hopkins continually produces students that place among the top of the Nation in standardized testing.

I congratulate Hopkins and its current Head, Barbara Riley, on three and a half centuries of academic achievement. And I salute the school's continuing service to the colony, State, and young people of Connecticut. Here is to the first 350, and here's to many more.

HONORING CENTRAL FLORIDA'S VETERAN OF THE MONTH

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAYSON. Madam Speaker, I rise today to honor central Florida's "Veteran of the Month", a local man known for his exceptional accomplishments and volunteer efforts.

Former Marine Staff Sgt. Michael Sprouse is paralyzed. Despite his disability, Mike has persevered to become a world-class hand cyclist. He holds five marathon course records, and is the world record holder for speed on a downhill course. Mike also organizes and runs sporting clinics for individuals with disabilities all over central Florida and south Florida.

Military service is a family tradition for Mike. His grandfather and father served in the United States Marine Corps. His father made the ultimate sacrifice in Vietnam in 1966. Mike entered the Marine Corps the day after he graduated from high school. He went on to serve 6 years as a Drill Instructor at Parris Island, the Marine Corps Recruit Depot in South Carolina.

Madam Speaker, Mike Sprouse is an inspiration. Every day, he leads by example. Mike encourages others to overcome their disabilities. He is not just an exemplary veteran, he is a phenomenal person. I am proud to recognize him as Florida's 8th District Veteran of the Month.

USS POSCO INDUSTRIES CELEBRATES ITS 100TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to recognize the 100th anniversary of USS POSCO Industries of Pittsburg, California.

In 1910, Columbia Steel Company was established at the current site of the plant in Pittsburg—a single open hearth furnace making steel castings for dredging, lumber and shipping industries with 60 employees. In the 1920s, the plant expanded to include the West's first nail mill, and later, the first hot dip tin mill west of the Mississippi to serve the food processing industry.

In the 1930s, United States Steel purchased Columbia and expanded the facilities to serve big public works projects like construction of the San Francisco Bay Bridge, which consumed 200,000 tons of steel. Post World War II expansion included modern continuous sheet and tin mills, the West's first continuous rod mill, cold rolling mills, electrolytic tinning, cleaning, continuous coating and annealing lines.

United States Steel became the first manufacturer in the West of galvanized sheet and thin-gauge tinplate in the 1950s, when plant employment peaked at about 5,200 men and women.

In the 1960s and 1970s, competing materials such as aluminum and plastics, as well as the advent of mini-mills and foreign imports, led the company to focus on its most efficient and competitive product lines. When a pipe mill was added, the Pittsburg facility gained the distinction of having the most diverse product line of any steel plant in the United States.

In 1986, USS POSCO Industries was formed as a 50/50 joint venture between United States Steel and POSCO of the Republic of Korea and the new company invested $450 million in modernizing facilities. Shortly afterwards, the company opened a Learning Center to promote continuing education. This Center continues to this day and now offers over 90 courses to employees and members of the community. Meanwhile, a new era of world-class operations began with a consistent supply of continuously cast, high-quality hot bands arriving by ship and rail from the joint venture partners.

USS POSCO was recognized in 1994 for outstanding corporate environmental achievement by the National Environmental Development Association. In 1996, the facility attained ISO 9002 certification, acknowledging compliance with the highest international standards for quality and manufacturing processes.

In 2002, a $115 million project to rebuild the Pickle Line Tandem Cold Mill was completed after a May 2001 fire destroyed the mill.

In 2005, USS POSCO was awarded the coveted ISO 14001:2004 certification, the premier international standard for environmental excellence. Certification recognizes the company's strict environmental standards for documenting, training, auditing, and managing all aspects of the manufacturing process. The newly-merged company's 20th anniversary was celebrated in 2006 with sales exceeding $1 billion and 2009 saw its best safety year ever.

Currently, USS POSCO employees about 750 workers and its annual production is over one million tons. The steel the company produces is used to manufacture sanitary food cans, a variety of construction products including culverts, studs, roofing, and HVAC applications, electrical conduit, ornamental tubing, filters, computer cabinets and office furniture. USS POSCO is the largest employer in the City of Pittsburg and annually contributes about $400 million to the local economy.

The company is the largest corporate fundraiser in the East Bay for the Juvenile Diabetes Research Foundation (JDRF), to which it has contributed for fifteen years, and in 2008 the company raised $173,000. The company's employees participate in a variety of local civic activities including Junior Achievement and the Los Medanos Community College Foundation, while the company worked with the college to establish a new apprenticeship program for vocational training.

I know I speak for all Members of Congress when I congratulate USS POSCO on its 100th anniversary of continuous steel making in Pittsburg, California, and wish them continued success.

HONORING CHRISTOPHER McLAIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher McLain. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christopher has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Christopher McLain for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING THE FOSTER CHILDREN SELF SUPPORT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. STARK. Madam Speaker, I rise today to introduce the ''Foster Children Self Support Act.'' This bill will correct a long-standing injustice that has deprived thousands of foster youth of Social Security benefits and will provide some of our most vulnerable children with a chance to succeed. I am proud to introduce this bill in partnership with Congressman LANGEVIN, who is a tireless advocate for children and individuals with disabilities.

In nearly every state in the country, foster children eligible for Social Security benefits because of a disability or the loss of a parent are having those benefits taken by the very state agencies charged with their care. The ''Foster Children Self Support Act'' would end that practice. Instead, it would require states to use a child's Social Security benefits to meet the immediate needs of that child or set aside those benefits to assist the child with transitioning to adulthood when that child emancipates from care.

The Congressional Research Service (CRS) estimates that approximately 30,000 foster children (out of 500,000 nationwide) receive either Supplemental Security Income (SSI) or OASDI (Old Age, Survivors, and Disability Insurance) benefits each month. Unfortunately, hardly any of these children will benefit from these funds. Nor will the children have the option to conserve the funds to use when they leave care. This is because state child welfare agencies routinely make themselves the representative payee so that they have control over the child's benefits. Often, neither the child nor the child's advocate knows that Social Security benefits are being sent to the agency. Once the welfare agency controls the benefits there are few limits on what they can do with the funds.

State welfare agencies take an estimated $156 million per year from foster children, according to a CRS analysis. The practice has devastating consequences for youth who age out of the system without supports. Former foster children face tremendous challenges. Foster children often enter care having suffered from serious emotional, mental, and/or physical abuse. For example, they suffer from Post Traumatic Stress Disorder (PTSD) at a rate twice as high as Iraq War veterans. When youth emancipate from care, 37 percent experience at least one episode of homelessness and 16 percent of men are incarcerated by the age of 24. Only 48 percent of former foster youth are employed at age 24 and only 6 percent had a college degree. The ''Foster Children Self Support Act'' is especially important since it is safe to assume that those foster youth who have lost their parents or are eligible for SSI due to severe mental or physical disabilities are among the most vulnerable.

The ''Foster Children Self Support Act'' provides a way to help these young people. It does so by mandating that states develop a plan for foster children who receive Social Security benefits. The plan would describe how to use a child's Social Security benefits as a resource to best meet the current and future needs of that child. The plan must be specific to each child receiving Social Security benefits and made in partnership with the child and the child's advocate. If this bill were law, states would no longer be allowed to simply use children's Social Security money as they see fit. Instead, this money would have to be used as any parent would use it: to provide for the child's particular needs and help plan for the child's future.

The bill will:

Require that states screen all foster children for Social Security eligibility and assist them in application;

Require states to identify other appropriate representative payees for eligible children, such as family members, before becoming the payee themselves;

Require states to develop a plan, with a child and that child's advocate(s), on how to best use the Social Security benefits to provide for the current and future needs of the child;

Provide for the conservation of Social Security funds in dedicated accounts that a child can access when they leave care to pay for things like housing, education, transportation, and other life expenses;

Exclude the conserved funds from the $2,000 SSI resource limit to ensure that youth can accumulate a substantial amount of assets without losing their eligibility for future benefits;

Ensure that youth are provided assistance to maintain eligibility for benefits after they transition out of care;

Require the GAO to report back to Congress on states' progress in screening all foster children for Social Security eligibility.

As Members of Congress, we are the grandparents and guardians of all foster youth. We have a moral obligation to provide foster children with the resources they need to become independent adults, just as we would our own children. The ''Foster Children Self Support Act'' is a small part of fulfilling this obligation and a large step toward helping one of the most vulnerable groups of foster children.

I urge my colleagues to join Congressman LANGEVIN and me in support of this important legislation.

INTRODUCTION OF A RESOLUTION TO EXPRESS CONDOLENCES AT THE LOSS OF LIFE OF 72 PEOPLE EXECUTED IN TAMAULIPAS, MEXICO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MORAN of Virginia. Madam Speaker, today I am introducing a resolution to express our condolences at the loss of life of the 72 people who were executed in Tamaulipas, Mexico by a drug syndicate on August 25, 2010.

The United States and Mexico have a unique relationship that is vitally important to both countries and to the world.

The loss of life and the utter callousness of this act need to be on the forefront of public consciousness.

The proliferation of criminal gangs like the one responsible for this atrocious crime highlights the extreme insecurity faced by migrants.

This act only reiterates the importance of comprehensive immigration legislation on both sides of the border to place safety above all other concerns.

I ask for my colleagues' support of this resolution which calls on the governments of the United States, Mexico, and nations throughout Latin America to commit to greater collaboration on the management and reform of migration policies within and between countries, to reduce the loss of life and establish safe, legal, and orderly migration that respects and protects human rights; and work together to address the factors driving high rates of irregular migration that increasingly exposes migrants to exploitive and life-threatening conditions.

HONORING WARREN EDWARD DIFFENDALL

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor a great American. Warren Edward Diffendall of Deep River, Connecticut passed away earlier this year and will be interred at Arlington National Cemetery this week. As a soldier and active citizen, Warren gave much of his life to our great nation.

Warren was a veteran of World War II—a Tech Sergeant in the Eighth Air Force, 489th Bomber Group, in England. He was a waist gunner on a B–24 Liberator that flew 2 historic missions on D-day. With such an honorable record in the armed services under his belt, Warren went on to serve his country for a long time after the war.

He spent many years doing good work to protect the environment and its inhabitants as a special agent for the Department of the Interior's U.S. Fish and Wildlife Service and for the Department of Commerce's National Marine Fisheries Service. Having worked extensively with these organizations in Connecticut, I can tell you from firsthand experience how crucial people like Warren are to protecting the livelihoods of Connecticut's fisherman and the safety of our land and waterways. In addition, he became a passionate grower of fruits, vegetables, and flowers after settling in Deep River.

When we honor men and women like Warren Diffendall who served their nation during wartime and peacetime, we are reminded of why these individuals are referred to as our ''greatest generation.'' I stand here today to honor the memory of Warren Diffendall for his service and sacrifice. Anyone who devoted their life to protecting our nation and ensuring its prosperity for future generations, in the manner that Warren did, is worthy of our eternal gratitude. I ask my colleagues to join me in mourning the loss and honoring the life of Warren Diffendall.

SUPPORT OF THE UNITED NATIONS MILLENNIUM GOALS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to draw attention to the United Nations Millennium Development Goals, and to strongly urge the United States to do everything in its power to combat global inequalities. This week, as the UN gathers to discuss these important priorities, we must demonstrate our shared commitment to meeting the challenges we face as a global community.

The Millennium Development Goals aim to significantly reduce global injustices including extreme poverty and hunger, inferior education and healthcare systems, and unequal opportunity between the sexes by 2015. Of particular importance is the effort to cut in half the number of people worldwide—nearly one billion—who suffer from undernourishment or malnourishment.

Before the recent global economic and agriculture crises, many developing regions of the world were on track to meet the Millennium Development Goals for hunger. Now, the tremendous progress seen in Southeast Asia, Latin America and the Caribbean has been stymied. It is imperative that we address this issue now. Increased food security leads to advances in health, education, and equality in developing nations, all of which are vital to fostering international goodwill and national security.

Rashieda Weaver, president of the African Youth Coalition Against Hunger, Malnutrition, HIV and AIDS, and a constituent of mine, believes the key to solving this crisis lies in a strong local response, particularly through supporting women farmers. Women produce the majority of food in many developing regions, including up to 80 percent in Africa and 60 percent in Asia. However, in many developing nations, inferior education and economic injustice leaves women, and as a result their families and communities, unable to maximize their output. The U.S. should support programs that emphasize empowering women to produce at their full capacity, which studies show can increase yields by up to 20 percent, reducing hunger in the process.

As we approach the deadline, I urge my colleagues to embrace and support the Millennium Development Goals, and take steps to eradicate food insecurity worldwide.

HONORING NICK VAN DER DRIFT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Nick van der Drift. Nick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 235, and earning the most prestigious award of Eagle Scout.

Nick has been very active with his troop, participating in many scout activities. Over the many years Nick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nick has contributed to his community through his Eagle Scout project. Nick reached out to local businesses and citizens and successfully collected funds and supplies for the Community Service League of Blue Springs, Missouri, benefitting hundreds of those in need.

Madam Speaker, I proudly ask you to join me in commending Nick van der Drift for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE SMALL MANUFACTURERS EXPORT INITIATIVE—INCLUSION IN SMALL BUSINESS BILL

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LARSEN of Washington. Madam Speaker, I rise today in support of our nation's small manufacturers. Earlier this year, I introduced H.R. 5797, the Small Manufacturers Export Initiative. I am pleased to see that the provisions of the Small Manufacturers Export Initiative have been included in this Small Business bill that we are voting on today. This legislation, and this Rule, will help small and medium sized manufacturers export their products—not their jobs—overseas. I want to see the label ''Made in America'' again, continuing our drive to create American jobs, and expand America's manufacturing sector—and this bill is an important step in that direction. When we make it in America, we lead the world economy, we promote competitiveness, and we create jobs. The provisions are simple; they provide resources to the Department of Commerce to help small and medium sized businesses and manufacturers export their products overseas and create jobs here at home. The global market presents a fast and ever growing market for U.S. exports. Nationwide, nearly 3.7 million manufacturing jobs are supported by exports—27 percent of all jobs in the manufacturing sector. In my district alone there are over 170 aerospace manufacturing companies, and in Washington state there are over 100 boat manufacturers—with many of these small businesses exporting their products. We must do all we can to support these manufacturing companies sell their products both here in the United States—and in other countries. The small business export promotion provisions included in this bill will build the infrastructure necessary to connect American Small and Medium Sized manufacturers with export opportunities around the world and help them increase their productivity and expand their businesses. Let's work together to ensure ''make it in America'' is a reality for today's economy—and the future. I urge support for this legislation and this Rule.

TRIBUTE TO THE TENTH ANNUAL BINATIONAL HEALTH WEEK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BACA. Madam Speaker, I rise to salute the Tenth Annual Binational Health Week to take place next month. This program was first established in 2001 to facilitate discussion on the challenges and opportunities that face migrant Latino populations. The annual forum allows participant agencies and organizations to effectively strategize public health policies that benefit border populations by addressing issues pertaining to health care.

Established as a partnership between the California-Mexico Health Initiative and the Mexican Ministry of Health and Foreign Affairs, Binational Health Week has become one of the largest mobilization efforts to improve the health and well being of underserved Hispanics in North America. Today, it is the product of relationships between multiple agencies and organizations that minister to immigrant population health issues.

This tradition has become an annual festival of health promotion and education activities which include workshops and medical screenings. Last year, the Binational Health Week was kicked off in Santa Fe, New Mexico. Through the inaugural event forum, five national campaigns were implemented with the aim of increasing the Latino population's awareness of: H1N1 and Preparing for Public Health Emergencies, Prevention of Addictions, Nutrition, Stroke Awareness, and Living Green.

In addition, to celebrate the Binational Health Week last year, an estimated 766,000 people participated in over 5,000 activities throughout the United States and Canada. Over 10,000 agencies, 140 consulates and 17,000 volunteers participated in the organization of the 2009 week long events.

This year, the inaugural forum will take place in Guanajuato, Mexico with the aim of exploring collaborative opportunities to improve the health and well-being of the cross-border migrant and immigrant population. Binational Health Week will be celebrated from October 4th through 15th in 40 states in the U.S. and 3 provinces in Canada. Also participating will be the consular networks of Mexico, Guatemala, El Salvador, Honduras, Colombia, Ecuador, and Peru.

During Binational Health Week, a national campaign will take place to create awareness among the underserved Latino community on the topics of prevention of addictions, gang involvement among adolescents, oral health, obesity, diabetes, disabilities, autism awareness, and access to existing health care. During the campaign a series of activities and health education programs will be conducted including informational workshops, free screenings, core exams, and vaccinations to the public.

The expansion of Binational Health Week over the years has contributed to the main partnerships that have been formed between California's Department of Public Health, The California Endowment, The California HealthCare Foundation, the Health Initiative of the Americas at the University of California in Berkeley, the United States-Mexico Border

Health Commission, the Secretariats of Health and Foreign Affairs of Mexico, the Ministries of Foreign Affairs of El Salvador, Guatemala, Nicaragua, Honduras, and Colombia, the Institute for Mexicans Abroad, and the Mexican Social Security Institute.

Madam Speaker, today I rise to congratulate Binational Health Week and its organizers, volunteers and participants for realizing this important initiative. Planning for the Tenth Annual Binational Health Week is already well under way in the Inland Empire. I encourage the residents in my district and around the country to observe and partake in local Binational Health Week activities. It is fitting, on such an occasion, that we stand here today to honor Binational Health Week for their many years of outstanding service to our communities on and across the border.

HONORING THE GOLDEN MEMBERS OF THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 103rd Anniversary and Golden Member banquet on Sunday, October 3, 2010.

This year, the Croatian Fraternal Union will hold this gala at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Franklin N. Boskovich, Diana L. Budzielek, Jerry John Cogelja, Mark C. Corey, Anne Marie Glivar, William M. Glivar, Carl A. Helsing, Patrick Joseph Kane, William R. Kaurich, William M. Maluvac, Robert Petrusha, Filomena Schmidt, Judith Surowiec, and Georgene S. Trippel.

These loyal and dedicated individuals share this prestigious honor with approximately 489 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a mass at Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The banquet will begin at 12:00 p.m.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President John Miksich and all members of the Croatian Fraternal Union Lodge Number 170 for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

RECOGNIZING JUDGE WINSTON EUGENE ARNOW AND HIS DEDICATED SERVICE AS A U.S. DISTRICT JUDGE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MILLER of Florida. Madam Speaker, I appreciate the House bringing this legislation to the floor today in making the technical change to designate the Historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the Winston E. Arnow Federal Building.

Since the United States District Court in the Northern District of Florida moved to a new courthouse location in 1999, this building underwent a major renovation and opened for occupancy in 2005. Occupying the building is the Bankruptcy Unit of the District Court, the United States Probation Offices and a portion of the District Court. The building has become an integral part of the Florida Northern District Court in Pensacola.

Madam Speaker, this measure provides a fitting tribute to the service and life of a man who did so much for Northwest Florida. He is widely acknowledged as the judge who made the hard decisions that reshaped our local area in the late sixties and seventies. Judge Arnow's decisions have shaped northern Florida's governments, its schools and its jails.

I urge my colleagues to support this measure to recognize a legacy of American fairness by a man whose decisions were in the right spirit of the instrument in which he believed most, the Constitution of the United States of America.

RECOGNITION OF THE MERION VILLAGE ASSOCIATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Merion Village Association for twenty five years of fostering goodwill in its historic community. Merion Village was home to some of the first settlers of Columbus and has proved to be a resilient, vibrant community that is still very active today.

Two hundred years ago, Nathaniel Merion arrived in central Ohio to establish the town that would eventually bear his name. His intuitive business sense and the hard work and determination of the people of Merion launched the town into a hub of activity and industry. By the early 20th century, Merion had become a prime manufacturing center and the home of two large steel plants. Today Merion is a melting pot of different cultures, a vibrant town rooted in the past but looking toward the future.

The Merion Village Association cultivates a small-town feel in an increasingly global age. The Association seeks to preserve the values instilled by early settlers while incorporating the many cultures that have since come to the area. Merion Village is now a rich tapestry of new and old residents, an interesting blend of German, Irish, Italian, and Hungarian. The Association brings together Merion's many diverse residents to discuss hard issues facing their community and provides social outlets for residents to meet one another and forge new friendships.

Merion Village was the land of opportunity for many people, a place where they could realize their dreams. For the past 25 years, the Association has provided the residents of Merion with the social support needed to achieve their goals. Residents of Merion may learn about and discuss the issues facing their community through one of the monthly meetings the Association hosts. Additionally, residents who normally may not have had contact with one another have the opportunity to mix and mingle at one of the Association's many events.

As Merion Village continues to grow and strive, the Merion Village Association will continue to play an important and vital role in the community. On October 16, 2010, the Merion Village Association will celebrate its 25th anniversary. I am proud to recognize and honor the Merion Village Association for its efforts, past and future, in making Merion Village what it is today.

THE PHILLIES ARE OFF-FIELD CHAMPIONS TOO

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FATTAH. Madam Speaker, the Phillies in my hometown of Philadelphia are closing in on another baseball championship season with the aim of a third straight trip to the World Series.

But we don't need the latest baseball scores to declare the Phillies and their players as true champions in the neighborhoods and environs of Philadelphia.

It starts at the top with the Phillies themselves and Phillies Charities Inc., which has a lengthy and impressive list of community activities and charitable initiatives. The Phillies hit another home run this week, announcing a major partnership with Mayor Michael Nutter, the City of Philadelphia and Major League Baseball to expand the club's commitment to youth baseball in the inner city.

The partners announced they are launching the nearly—$3 million Philadelphia Urban Youth Academy, a year-round program that will provide baseball and softball instruction as well as academic enrichment to youth in low-income neighborhoods. The academic investment is huge—combining baseball skills with life skills and a commitment to quality education. As Mayor Nutter said during Wednesday's ceremonies at Franklin Delano Roosevelt Park, less than a mile from the Phillies home Citizens Bank Park: ''Not all the children who enter this Academy will become professional athletes, but all of them will leave with a firm grasp of how a quality education can help transform their lives.''

This will be the fourth MLB Urban Youth Academy nationally—and the first to operate on multiple sites within a city. It was fitting that Phillies second baseman and Phillies linchpin Chase Utley, who has served as Chairman of the Phillies RBI (''Reviving Baseball in Inner Cities'') and Rookie League programs since

2006, was on hand with the Mayor and Phillies President Dave Montgomery for the launch.

Utley is by no means alone. Numerous members of this exciting and community-minded team have established personal foundations, visited inner city playgrounds, donated generously to charities and performed like All-Stars of public service.

Leading off in center field is Shane Victorino, the Phillies nominee for the Roberto Clemente Award that Major League Baseball bestows each year on the player who best exemplifies the charitable spirit of the late and great Pirates Hall of Famer. On June 7, he officially launched the Shane Victorino Foundation and announced that he would be donating $900,000 over the next three years to the Nicetown Boys and Girls Club to be renamed for Victorino—in one of Philadelphia's most impoverished neighborhoods. Victorino is paying homage to the Boys and Girls Club where he spent time as a youth in Hawaii.

Batting cleanup is first baseman Ryan Howard. The popular slugger has teamed up with Victorino to support Philadelphia Futures, a mentoring program for inner-city students. He has donated to the Police Athletic League and received recognition from PAL for community service. He has worked with the Make-A-Wish Foundation, granting special wishes for children and teens suffering from serious illnesses. He has been Spokesman for the Boys and Girls Clubs nationally, for the Variety Club, and has visited a number of schools and recreation centers in Philadelphia.

Shortstop Jimmy Rollins has turned his defensive skills into a big time community offensive. He hosts an annual Celebrity BaseBOWL charity event which has raised over $200,000 for the Juvenile Diabetes Foundation, the Arthritis Foundation and local literacy efforts. He's also worked with the American Red Cross, Easter Seals and the Volunteers of America organization, and donated 30 computers to Olney High School.

Utley hosts Chase's Champs which benefits Children's Hospital of Philadelphia and St. Christopher's Hospital and provides young patients and family members with the opportunity to attend a Phillies game. He and his wife Jen have been prominent fundraisers and spokespeople for the Pennsylvania SPCA and their love for animals is known to just about every Phillies fan.

Pitcher Cole Hamels and his wife Heidi have created the education-minded Hamels Foundation, which has a dual mission to provide support for quality community-based education in the United States and to establish a school in Malawi, Africa. The Foundation has also been active closer to home, with Cole Hamels hosting pitching clinics for campers at FDR Park.

Pitcher Jamie Moyer and wife Karen have long been recognized for their tireless efforts for young people. Jamie Moyer, who set records for longevity and accomplishment almost every time he took the mound this year, has set more records through the Moyer Foundation, raising more than $19 million in the past decade to assist over 170 programs that directly serve the needs of children in severe distress. The Moyers established Camp Erin, in 2007, as a weekend bereavement camp for children, and the Foundation has set up three dozen such camps with hopes to establish a Camp Erin in every Major League City.

Coming out of the bullpen are J.C. Romero, with his ''Romero's Rookies'' benefitting underprivileged children, closer Brad Lidge, who with his wife Lindsay partner with the Food Trust to raise awareness about healthy eating and access to healthy, affordable food. Brad Lidge also has Lidge's Legion, benefiting Children's Hospital, its patients and their families.

I'm proud to have this All-Star lineup going to bat for the underserved youth, for those battling diseases and health concerns, all across the Philadelphia area, from the inner city to the far suburbs. Thanks to all our champions in Red, on and off the field, and go Phillies!

DEPARTMENT OF INTERIOR TRIBAL SELF-GOVERNANCE ACT OF 2010

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. HONDA. Mr. Speaker, I rise to express my support for H.R. 4347, ''The Department of the Interior Tribal Self-Governance Act.'' This legislation gets us much closer to fulfilling our special nation-to-nation relationship with Native American people and tribes in our country. H.R. 4347 includes critical amendments to the Indian Self-Determination and Education Assistance Act that essentially allow for greater self-governance by Indian tribes; it directs the Secretaries of the Departments of the Interior and Health and Human Services to implement criteria that make it possible for more tribes to learn about and eventually enter into self-governance compacts or agreements to administer whole programs currently performed by the Federal Government. In addition to enhancing their sovereignty, this legislation has the potential to significantly improve the effectiveness of social, education, and health programs because leaders within specific Indian Tribes are often in the best position to determine the needs of their communities. Additionally, as suggested by a 2004 report by the Government Accountability Office (GAO), Indian tribes that participated in self-governance agreements often experienced greater growth in employment levels from 1990 to 2000 compared to those that had either lower or no participation in these programs.

I have been an ardent supporter of tribal sovereignty throughout my career as an elected official, and advocated to ensure that the Federal Government is accountable for exercising its full fiduciary responsibility. During my early career as an educator, I traveled through Indian Country doing educational research for Stanford University. Over the past 15 years serving in the California State Assembly and U.S. Congress, I have authored legislation and voted to support measures that respect and protect tribal sovereignty.

As a member of the Congressional Native American Caucus since coming to Congress in 2001, I have been a strong supporter of full respect and recognition of tribal jurisdictions, for the expansion of tribal courts, the protection of Indian water and fishing rights, increased funding for the Bureau of Indian Affairs and key programs serving Indian Country. As a member of the House Appropriations Committee, I have fought to increase funding for vital self-governance programs and funding for programs serving Indian Country.

Once again, Mr. Speaker, I am proud that the House of Representatives has taken a significant step in the right direction!

CELEBRATING THE 60TH ANNIVERSARY OF THE 126TH AIR REFUELING WING

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 60th Anniversary of the 126th Air Refueling Wing, Illinois Air National Guard, Scott Air Force Base, Illinois.

The 126th Air Refueling Wing, ARW, traces its origin to the formation of the 126th Composite Wing at Chicago's Midway Municipal Airport on November 1, 1950. During the 1950's there were a couple of name changes for the unit and its home moved between Chicago's Midway and O'Hare airports before it was finally designated the 126th Air Refueling Wing, received its first KC–97 flying tanker and flew its first air refueling mission in 1961.

From 1967 to 1976, the 126th ARW took part in Operation Creek Party, during which they would fly refueling missions in support of the U.S. Air Force in Europe. 150 million pounds of fuel was off-loaded to U.S. Air Force and NATO aircraft during approximately 600 flights. This marked the first time the Air National Guard had performed a continuous operation without activation.

The first KC–135 Stratotanker, the aircraft that is still flown by the 126th ARW today, began its service in 1976, at which time the 126th ARW began support of the Strategic Air Command. The 126th ARW would support U.S. Air Force operations in the first Gulf War and in Kosovo as well as respond to the Illinois Governor's call for assistance during the 1993 Midwest flooding.

As part of the 1995 round of Base Realignment and Closure (BRAC), the decision was made to move the 126th ARW to Scott Air Force Base and the move was completed in 1999.

After September 11, 2001, the 126th ARW was called to fly missions to monitor the skies over major U.S. cities. The wing again was called to support U.S. Air Force missions during the first year of Operation Iraqi Freedom.

The mission of today's 126th Air Refueling Wing is to provide air refueling support for U.S. and allied nation military forces throughout the world. As it has shown throughout its history, the 126th answers the call to protect the citizens of Illinois through civil defense and disaster relief. The men and women of the 126th Air Refueling Wing continue to protect and defend ''Anytime, Anywhere!''

Madam Speaker, I ask my colleagues to join me in congratulating Wing Commander, Colonel Peter Nezamis, and all the service men and women of the 126th Air Refueling Wing on their 60th Anniversary and wishing them the very best as they continue to provide valuable service to the State of Illinois and our great Nation.

HONORING REVEREND CANON CHARLES POINDEXTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the accomplishments of Reverend Canon Charles Poindexter. I would like to congratulate Rev. Poindexter on his recent installation as Rector Emeritus of Saint Luke's Church in Germantown, PA.

Reverend Poindexter has spent his entire career dedicated to his community as a clergyman, educator, and civil rights advocate. In 1968, Rev. Charles, then Rector of St. Barnabas Church, merged his black congregation with the local white congregation to form a newly integrated church to serve as a beacon for the community. This was an expression of Rev. Charles' heartfelt belief that when ''Christians decide to unite, race becomes secondary.''

Rev. Poindexter was also committed to the education of the next generation. In 1969 he founded St. Barnabas School to help provide quality education to those who needed it. As Headmaster he promoted the values of education, stewardship, and positive citizenship.

Madam Speaker, as Saint Luke's prepares to celebrate its 200th anniversary I ask that you and my other distinguished colleagues join me in congratulating Canon Rev. Poindexter on his new position as Rector Emeritus and thank him for his long service to his community.

REPUBLICAN YOUCUT PROGRAM

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to express my dismay at this Congress for not listening to the American people. With over 1.9 million votes cast, the Republican YouCut program has given Republicans, Democrats, and Independents around the country an avenue to take part in their government like never before. However, each YouCut proposal to make common sense cuts to wasteful spending has been blocked by the Democrat majority.

Since President Obama took office, the private sector has lost three million jobs, while the Federal civilian workforce has grown by nearly 15 percent. This week's proposal, sponsored by Representative LUMMIS, would reduce government employment to the 2008 level and save taxpayers $35 billion over the next 10 years.

In these uncertain and tough economic times, we should take immediate action to cut spending and facilitate long-term private sector economic growth. Unfortunately, I was unable to cast my vote in time to support this week's YouCut proposal. I ask that the record reflect to my constituents and the American people that I would have supported Representative LUMMIS' proposal.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. ELLISON. Madam Speaker, on September 16, 2010, I inadvertently missed rollcall Nos. 529 and 530, but had I been present I would have voted ''yes'' on both votes.

IN RECOGNITION OF FRANCINE RYAN FOR HER 50 YEARS OF SERVICE TO CENTRAL OHIO

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. KILROY. Madam Speaker, I rise today to recognize Francine Ryan for her almost 50 years of service to the City of Columbus.

Fran began her career as a reporter for the Columbus Citizen working full time while in college. She started as the editor for that newspaper's teen page. In 1956 she married her husband Dick Ryan and they went on to have 5 children—Rick, Terry, Ted, Mary Kay and Tom—and now they have 11 grandchildren.

In 1970 Mrs. Ryan ran for, and won, a position on the Columbus City Council. During her two terms on the council, Fran helped to lay the foundations for Columbus' many community councils and area commissions and worked to start up food pantries; one of them eventually became the Mid-Ohio Food Bank. She left city council when President Jimmy Carter named her administrator for a 6-state region in the Department of Labor.

After the Carter administration, Mrs. Ryan returned to Columbus and became city clerk. She held that position until being named to the Franklin County Board of Commissioners in 1984 by Governor Richard Celeste. After this appointment expired, she returned to her previous city clerk position.

In 1987 Fran Ryan was named chairman of the Franklin County Democratic Party, becoming the first woman in Ohio to hold that position for either party in any of Ohio's major urban centers. She held that position until 1996. Recently, Columbus Mayor Michael Coleman named Mrs. Ryan to be his advisor on senior issues.

During her retirement, Fran has helped found and is acting chairman of the Senior Services Roundtable, a community organization of more than 200 member groups and businesses dedicated to serving our elderly. Fran Ryan is being presented with the Heritage Award for Caring by Heritage Day Health Centers on September 22.

HONORING THE LIFE OF MIDSHIPMAN JEFFREY WARREN MASCUNANA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. KINGSTON. Madam Speaker, I rise today in honor of Jeffrey Warren Mascunana, a hero and dedicated servant to his Lord and our nation. Jeff was born at the Tuttle Army Health Clinic on Hunter Army Airfield, Savannah, Georgia on December 8, 1969, to Chief Warrant Officer George Mascunana and his wife Rose. Jeff descended from Cuban immigrants and his great-grandfather help found one of the oldest Spanish-English newspapers in the United States, ''La Gaceta,'' in Tampa, Florida. His father, George, served two tours of duty in Korea.

Jeff attended St. James Catholic School, then Benedictine Military School in Savannah. His family actively served as members of St. Francis Cabrini Catholic Church. At Benedictine, Jeff participated in many sports, including football, basketball and track & field where he excelled in many events. Jeff was not a starter on the football team, but was often heard to say ''At least I'm on the field and not in the stands,'' indicative of his desire to not be an observer in life. All of his friends and classmates remember his wide smile and devious sense of humor.

At Benedictine Jeff also served four years in the school's Reserve Officer Training Corps program, attaining the rank of Cadet Captain. He graduated in 1988.

Upon graduation, Jeff harbored a desire to serve his country in the United States Navy. Through perseverance, he obtained entrance to the Boost program, and an appointment to the United States Naval Academy, class of 1993.

At Annapolis, in the 23rd Company, Jeff found his home. He trained to be a Surface Warfare Officer, working towards his degree in Political Science. He competed on the rowing team, as well as track & field. His classmates remember him as the friend who would help them all through the tough times inherent in such a rigorous setting. On weekends, he seemed to be on yard restriction as often as not. Undaunted, Jeff would organize groups to visit those midshipmen and active duty personnel whose duties required that they remain on post, offering light-hearted moments and friendship to his fellow classmates. He also worked with a local church, helping to organize a support group for women victimized by abuse. Indicative of Jeff's love for Annapolis, he wanted to carry a piece of it with him at all times. When the time came to design his USNA class ring, Jeff broke with the tradition of choosing a precious stone for the design. Instead, he found a loose piece of marble in the dormitory, Bancroft Hall, and had part of that stone fitted to his ring. The remaining piece of marble hangs around his mother's neck in a beautiful pendant. Jeff's ring now occupies a place of honor in the Ring Bank in the United States Naval Academy Museum, the repository for the class ring of each class' first deceased member.

In the early morning hours of May 26, 1993, just a few hours prior to graduation, Midshipman Jeff Mascunana lost his life while trying to summon help for Ms. Julie Ann Mace. Ms. Mace, his date for the evening's graduation ball, was injured and tragically died as the result of an automobile crash. Jeff died a hero, unselfishly trying to help another.

At Jeff's Naval Academy graduation later that day, his chair sat empty, his class one sailor short. His family, proudly assembled to see Jeff's greatest achievement, instead joined his class to mourn the loss of their son, grandson, brother and friend. His friends and

family buried Jeff in his Navy dress whites a few days later in Savannah.

While Jeff completed his academic requirements to obtain his degree from the Naval Academy, unfortunately he never received his commission as an ensign even though he was mere hours away from realizing that lifelong goal. While a posthumous commission would be fitting, the Navy could find no provision for doing so.

Later this fall, Jeff Mascunana's classmates from the Benedictine Military School class of 1988 shall gather to dedicate a memorial in his honor. Further, a scholarship fund will be established in his name. The scholarship shall be awarded to a young Benedictine Cadet, enabling him to attend the Benedictine Military School that helped make Jeff Mascunana the hero that he was.

Jeff learned the values that made him such a great man from his parents and from his education. I would like to recognize Benedictine Military School, an institution that has molded leaders since its founding in 1902 in Savannah, Georgia. For over 100 years, the priests, faculty and military personnel have educated young men in the Judeo-Christian tradition of academic excellence, good moral living, respect for authority, and love of country. On these principles, Benedictine builds men of virtue and integrity, ready to serve their faith, their community, and their country.

HONORING JERRY STEVENSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Jerry Stevenson of Charles City, Iowa, who recently was awarded the Pilgrim Degree of Merit by the Loyal Order of Moose.

Jerry Stevenson, who was a member of the order for 36 years, was inducted into the Pilgrim Degree of Merit for services above and beyond the call duty to the Charles City Moose Lodge and to the Loyal Order of Moose as a whole. Jerry is now among an elite group of about 3,000 members who have earned the Pilgrim Degree of Merit—the highest honor that can be given by the organization—and the coveted gold jacket that comes with it.

The Loyal Order of Moose is a fraternal and service organization founded in 1888, with nearly 800,000 men in roughly 1,800 Lodges, in all 50 states and four Canadian provinces, plus Great Britain and Bermuda.

The Loyal Order of Moose, along with other units of Moose International, supports the operation of Mooseheart Child City & School, a 1,000-acre community for children and teens in need, located 40 miles west of Chicago; and Moosehaven, a 70-acre retirement community for its members near Jacksonville, FL. Additionally, Moose Lodges conduct approximately $50 million worth of community service annually, both through monetary donations and volunteer hours worked.

I am honored to represent Jerry Stevenson in the United States Congress. I know that my colleagues join me in congratulating Jerry and wishing him continued success.

KANSAS FEDERAL DISTRICT COURT JUDGE WESLEY BROWN STILL HEARING CASES AT AGE 103

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to take note of U.S. District Court Judge Wesley Brown, who is still hearing cases in his chambers in Wichita, Kansas, at the age of 103. Appointed to the federal bench by President John F. Kennedy, Judge Brown has taken senior status but still hears cases and is now the oldest sitting federal judge in the United States. I commend him to my colleagues and thank him, on behalf of all Kansans, for his decades of judicial service, which began at an age when many Americans begin contemplating retirement.

[From the New York Times, Sept. 16, 2010]

AT 103, A JUDGE HAS ONE CAVEAT: NO LENGTHY TRIALS

(By A. G. Sulzberger)

WICHITA, KS.—Judge Wesley E. Brown's mere presence in his courtroom is seen as something of a daily miracle. His diminished frame is nearly lost behind the bench. A tube under his nose feeds him oxygen during hearings. And he warns lawyers preparing for lengthy court battles that he may not live to see the cases to completion, adding the old saying, ''At this age, I'm not even buying green bananas.''

At 103, Judge Brown, of the United States District Court here, is old enough to have been unusually old when he enlisted during World War II. He is old enough to have witnessed a former law clerk's appointment to serve beside him as a district judge—and, almost two decades later, the former clerk's move to senior status. Judge Brown is so old, in fact, that in less than a year, should he survive, he will become the oldest practicing federal judge in the history of the United States.

Upon learning of the remarkable longevity of the man who was likely to sentence him to prison, Randy Hicks, like many defendants, became nervous. He worried whether Judge Brown was of sound enough mind to understand the legal issues of a complex wire fraud case and healthy enough to make it through what turned out to be two years of hearings. ''And then,'' he said, ''I realized that people were probably thinking the same thing 20 years ago.''

''He might be up there another 20 years,'' added Mr. Hicks, 40, who recently completed a 30-month sentence and calls himself an admirer of Judge Brown. ''And I hope he is.''

The Constitution grants federal judges an almost-unparalleled option to keep working ''during good behavior,'' which, in practice, has meant as long as they want. But since that language was written, average life expectancy has more than doubled, to almost 80, and the number of people who live beyond 100 is rapidly growing. (Of the 10 oldest practicing federal judges on record, all but one served in the last 13 years.)

The judiciary has grown increasingly reliant on semiretired senior judges—who now shoulder about a fifth of the workload of federal courts. But recently, some courts have also started taking steps that critics call long overdue to address the challenges that accompany jurists working to an advanced age.

''Attention to this area is growing in the judiciary,'' said Judge Philip M. Pro, a district court judge in Las Vegas. Judge Pro leads the Ninth Circuit Wellness Committee in California, which focuses on age- and health-related issues facing judges. A similar committee is being established in the 10th Circuit, which includes Kansas.

''Most judges take pride in their work,'' Judge Pro said. ''They certainly want to be remembered at the top of their game. But a lot of time you're not the best arbiter of that—it's hard to see it in yourself if you're having difficulties.''

Lawyers and colleagues who work with him say that is certainly not the case with Judge Brown.

True, the legal community here has grown protective of him over the years. In his younger days, he was so well known for his temper—lateness, casual dress and the unacceptably imprecise word ''indicate'' would all set him off—that before hearings one prominent defense lawyer used to take a Valium, which he called ''the Judge Brown pill.''

Now, lawyers use words like ''mellowed,'' ''sweet'' and ''inspirational'' to describe him, and one longtime prosecutor began to cry while talking about his penchant for gallows humor. ''Sorry,'' she said. ''It's just I can't imagine practicing without him.''

A few years ago, when they noticed that while speaking in court Judge Brown would occasionally pause, sometimes for what seemed like minutes, lawyers, clerks and fellow judges worried that they were witnessing the beginning of a decline that would make him incapable of doing his job. But he began using an oxygen tube in the courtroom, and the pauses disappeared. (During an hourlong interview in his chambers, he paused briefly just once while trying to recall the last name of Earl Warren, the former chief justice of the United States, but he was without his oxygen tank.)

The consensus is that Judge Brown is still sharp and capable, though colleagues acknowledge that his appearance can be startling. ''Physically he's changed a lot, but mentally I haven't noticed any diminution of his ability,'' said Judge Monti L. Belot, the former law clerk who now has his own courtroom in the same building, ''Which has to be pretty unique.''

Nevertheless, Judge Brown has begun making a few concessions to his age. He still hears a full load of criminal cases, but now he takes fewer civil cases, and he no longer handles any that may result in lengthy trials. He spreads his hearings throughout the week to keep his strength up, and he no longer takes the stairs to his fourth-floor chambers.

Though most federal judges could resign outright and continue to receive their full salary once they reach 65, a majority—like Judge Brown—elect to move to senior status, a type of semiretirement that allows them to continue to work at a full or reduced level. The courts have become deeply reliant on such judges to handle the caseload, but they have also struggled with how to ease out judges whose desire to keep working no longer matches their ability.

In rare circumstances, a panel of judges can vote to remove another judge because of disability, which has happened only 10 times—most recently in 1999. Or, the chief judge of the court can stop assigning the cases to the judge. More often, a trusted colleague will be enlisted to suggest retirement or reassignment to ceremonial duties, said Judge Marcia S. Krieger, a district court judge in Denver who has been surveying judges in the 10th Circuit about aging issues.

Judge Brown has taken the step of asking a few trusted colleagues, including his longtime law clerk Mike Lahey, to tell him when they believe he is no longer capable of performing his job. ''And,'' the judge said, ''I

hope when that day comes I go out feet first.''

Born on June 22, 1907, in Hutchinson, Kan., Judge Brown, who had become a prominent local Democrat, first sought appointment by President Harry S. Truman to the federal bench while serving as a lieutenant in the Navy during World War II (at 37, he was the oldest man in his unit). He failed, but in 1962, after a stint as a bankruptcy judge, he was appointed to the district court by President John F. Kennedy. He earned a reputation as a pragmatic jurist whose middle-of-the-road rulings reflect a desire to apply rather than make the law.

Judge Brown is one of four Kennedy appointees still on the bench and the oldest federal judge in the country by six years, according to the Federal Judicial History Office. The only judge to serve at a later age was Joseph W. Woodrough, who was on the Eighth Circuit until 1977, when he died at 104.

For his part, Judge Brown is dismissive of talk of his place in the record books and tired of all the fuss over his birthdays. ''I'm not interested in how old I am,'' he said. ''I'm interested in how good a job I can do.''

COMMEMORATING THE 100TH ANNIVERSARY OF THE ASSUMPTION SCHOOL IN ANSONIA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DELAURO. Madam Speaker, I rise to commemorate the 100th anniversary of the Assumption School, a Catholic school for prekindergarteners, kindergarteners, and grades 1–8 in Ansonia, Connecticut.

For a century now, the Assumption School has helped to mold generations of young Catholic men and women according to the precepts of its motto: ''Enter to Learn; Go Forth to Serve.'' It has taught Ansonia's students to nourish their minds and hearts, to reach out and work hard. It has helped them to integrate the Catholic faith into their daily lives, and, according to the best tenets of our faith, encouraged them to give back to their community and their neighbors.

Assumption itself is no exception to this wise calling. Over the years since its September 1910 founding, the School has taken on a increasingly broader role in the Ansonia community. Assumption now offers before and after school child care to working parents, through its ACCENT program, as well as a diverse portfolio of extracurricular activities, from athletics and youth choir to a Big Brother/Big Sister Program and a school newspaper. In all of these ways, Assumption helps students to grow and learn, while honoring their faith and their community.

I heartily congratulate Principal Kathleen Molner and the entire faculty and staff of the Assumption School on reaching this 100-year milestone. Here's to many more!

COMMENDING THE 100TH ANNIVERSARY OF MT. ANGEL TELEPHONE

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. SCHRADER. Madam Speaker, I rise today to honor Mt. Angel Telephone in Mt. Angel, Oregon, on the occasion of their 100th anniversary of being in business.

The City of Mt. Angel was founded in 1893 by German pioneers, due to its striking resemblance to rural Bavaria. In 1910, a local telephone company was organized and 45 customers were signed up in no time at all.

On the occasion of Mt. Angel Telephone's 100th anniversary celebration on August 20, 2010, the company sponsored its annual Customer Appreciation Day with community booths that attracted thousands of visitors to the community.

This event included a street fair, free community lunch, the Mt. Angel Police Department Bike Rodeo, free sight and hearing tests by Mt. Angel Lions Club, the ''Phone Walk'', an antique vehicles display, and activities for children.

Officers of the Mt. Angel Police Department offered free bike helmets to all children that participated in the rodeo. The Mt. Angel Lions Club and the Oregon Lions Mobile Health Screening Unit provided free health screenings to the public for visual acuity, hearing, blood pressure, diabetes, and glaucoma.

Finally, the Mt. Angel Apple Tree School Supply program took in donations for local students in need of school supplies. The drive helps parents with children in the local school district who find it difficult or impossible to afford school supplies.

Mt. Angel Telephone is more than just a company. It's a central part of the community and economy of the rural City of Mt. Angel, and it's always providing more than just telephone and internet services. It's providing a model of how a local business survives to become a centurion and how to give back.

Madam Speaker, while 100 years have now passed since Mt. Angel Telephone was founded, I am honored to represent this company and the City of Mt. Angel. I congratulate Mt. Angel on their centennial celebration and hope the company enjoys another 100 years of growth and prosperity.

HONORING MR. SHANNON McDANIEL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HASTINGS of Washington. Madam Speaker, I am honored to recognize Mr. Shannon McDaniel, a long time advocate for water users and agricultural producers in the State of Washington. Mr. McDaniel's much deserved retirement comes after 30 years of service to irrigated agriculture. In his current position as the Secretary/Manager of the South Columbia Basin Irrigation District, Mr. McDaniel manages an irrigation district that provides water to 230,000 acres of irrigated land and 4,000 landowners and farm operators in the southeastern part of Washington State.

Mr. McDaniel is an expert and a true leader in the water resources field. He has testified before Congress many times over the course of his career, helping inform both the House and Senate on legislation and other matters important to water users and agricultural producers. His expertise has also been vital to the management and delivery of water to farmers in the South Columbia Basin Irrigation District. Throughout his career, he has developed strong working partnerships at the local, state and federal levels, particularly in his involvement with the Bureau of Reclamation's Columbia Basin Project.

Mr. McDaniel serves as a mentor and advisor to many irrigation district managers in the Pacific Northwest. He has selflessly given his time to, and been actively involved with many professional and civic organizations including: the Family Farm Alliance, the National Water Resources Association, the Washington State Water Resources Association, Northwest Irrigation Operators, Leadership Tri-Cities and the Washington Agriculture and Forestry Education Foundation. As a result, his peers have bestowed many awards on him throughout his career, including the National Water Resources Association President's Award, the Bonneville Power Administration's Administrator's Excellence Award for Exceptional Public Service, the Washington State Water Resources Association Water Resources Leadership Award and the Northwest Irrigation Operators Distinguished Service Award.

Mr. McDaniel's many contributions to Western irrigated agriculture are immeasurable. Although he is retiring from public service, his leadership, dedication and expertise will be valued and appreciated for generations.

HONORING JED STEELE OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today as co-founder of the Congressional Wine Caucus to pay tribute to Jed Steele for 42 years of excellence in the wine industry.

Mr. Steele began his journey as a cellar worker at Stony Hill in Napa Valley in 1968. From there, he received his Masters in Enology from UC Davis and went to work at Edmeades Vineyards in Mendocino County. He moved on to Kendall-Jackson in Lake County in 1982. By the time Jed left Kendall-Jackson in 1991, they increased production from 35,000 cases to one million cases and had become one of the premier wineries in California. In 1991, Jed founded Steele Wines in Lake County and to this day makes some of the most highly-regarded wines in the world.

Mr. Steele is a true giant in the wine business. He made 74 wines that scored 90 points or higher in the Wine Spectator. Six of his wines made the ''Top 100 Wines of the Year'' list in the same publication. In 1989, Wine and Spirits Magazine named Jed Winemaker of the Year. In 1990, he received the Robert Mondavi trophy as the Best California Winemaker from the International Wine Society in London.

Jed does not just make great wine—he is an innovator who gives back to his industry. In 1977, he produced the first commercial American ice wine from grapes grown in Mendocino County. He was also a leader in the creation of American Viticultural Areas in Anderson Valley and Clear Lake. He was the founder and served as director of the annual Mendocino County Wine judging.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Jed Steele for his many years of leadership and excellence in winemaking. The American wine industry owes him an enormous debt of gratitude. I join the other members of the Congressional Wine Caucus and the entire community in wishing him continued success and fulfillment.

HONORING MAJOR GENERAL RAYMOND L. WEBSTER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Major General Raymond L. Webster, Assistant to the Surgeon General of the Iowa Air National Guard and to express my appreciation for his dedication and commitment to his state and country.

Major General Raymond L. Webster earned a Bachelor of Arts degree in Biology from Saint Louis University in 1974, followed later by a Doctor of Medicine degree from the University of Missouri in 1978, a Master of Public Health degree from Johns Hopkins University in 1983, and attended Air War College through correspondence in 2001.

In 1974, General Webster's long and distinguished career in America's armed forces began when he was commissioned as a Health Professions Scholarship Student at the University of Missouri-Columbia School of Medicine. He served on active duty in the Air Force from 1979–1986 as a squadron flight surgeon, resident in aerospace medicine, and chief of aeromedical services. In 1986, he joined the Iowa Air National Guard as a physician/flight surgeon and in 1993 became the 132nd Medical Squadron Commander. In 2001, General Webster became the first Air National Guard Medical Assistant to the Air Force's Space Command. Prior to this, he served as the Air National Guard Assistant to the Air Combat Command Surgeon General.

For the past 36 years, General Webster has served faithfully and honorably, earning a long list of military awards and decorations. Most recently, he will be receiving the Distinguished Service Medal from the President of the United States, as authorized by Congress. General Webster's long-standing commitment to the Iowa Air National Guard and his country has earned him the respect and honor of all who have served with him. For this I offer him my utmost congratulations and thanks.

I commend Major General Raymond L. Webster for his many years of loyalty and service to our great nation. It is an immense honor to represent General Webster in the United States Congress, and I wish him a happy retirement from the Iowa Air National Guard and all the best in his future endeavors.

WIPA AND PABSS EXTENSION ACT OF 2010

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. POMEROY. Madam Speaker, today I join with my colleagues, SAM JOHNSON, Ranking Member of the Subcommittee on Social Security, and JIM MCDERMOTT, Chairman of the Subcommittee on Income Security and Family Support, to introduce legislation to reauthorize the Work Incentives Planning and Assistance program (WIPA) and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program. This bill will ensure that two programs which provide critical assistance for Social Security and Supplemental Security Income (SSI) disability beneficiaries who are seeking to return to work continue for another year.

WIPA and PABSS were both originally established in the bipartisan Ticket to Work and Work Incentives Improvement Act of 1999. WIPA provides $23 million for community-based organizations to provide personalized assistance to help SSI and Social Security Disability Insurance (DI) recipients understand Social Security's complex work incentive policies and the effect that working will have on their benefits. In 2009, WIPA assisted over 37,000 SSI and DI beneficiaries who wanted to return to work. The PABSS program provides $7 million in grants to designated Protection and Advocacy Systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. In 2009, PABSS served nearly 9,000 beneficiaries.

This bill will extend the WIPA and PABSS programs for one year. It also includes two commonsense technical changes to conform the treatment of WIPA and PABSS grantees. The bill would require WIPA grantees to report annually on their services to the Commissioner of Social Security, as PABSS grantees do. Although there have been problems in the past with maintaining an electronic reporting system for this data, we believe those problems are resolved and expect the Social Security Administration to maintain its commitment to an effective system during this extension. The bill would also allow WIPA grantees, like PABSS grantees, to carry over some unspent funding for one year, which will allow for smoother and faster staffing transitions.

This bill does not increase government spending, since the funds will continue to come out of the Social Security Administration's existing administrative budget.

By extending WIPA and PABSS for a year, we reaffirm our commitment to these important work support programs, while also acknowledging the need to consider policy and funding changes in the near future. For example, in 2008, the Social Security Administration made important regulatory changes to address the disappointingly low participation in the early years of the Ticket program. If those changes are successful, they will increase the number of people who are able to transition to work, but they may also increase the number of people who need help from WIPA and PABSS or change the kind of help they need. Funding for WIPA and PABSS has not grown since they were created in 1999.

I urge your support for extending these important programs.

THE WIPA AND PABSS EXTENSION ACT OF 2010

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MCDERMOTT. Madam Speaker, today I have joined Representatives EARL POMEROY and SAM JOHNSON in introducing the WIPA and PABSS Extension of 2010 that will provide a one-year extension of the Work Incentives Planning Assistance (WIPA) and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) programs. These programs provide valuable assistance that help Social Security disability beneficiaries, including Supplemental Security Income recipients, return to work. Through the use of community-based organizations, these programs provide one-on-one legal services and help ensure recipients understand the complex rules that govern their ability to return to work so they are compliant with the Social Security Administration's policies. I look forward to working with my colleagues on long-term reauthorization that continues the important work of these programs.

HONORING BROTHER JOHN G. DRISCOLL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. LOWEY. Madam Speaker, today I rise to pay tribute to Brother John G. Driscoll who passed away on September 21, 2010. Brother Driscoll served as the sixth president of his undergraduate alma mater, Iona College in New Rochelle, NY, from 1971 to 1995, where he also was a mathematics professor.

A New York City native and long-time member of the Congregation of Christian Brothers, Brother Driscoll earned a PhD in theoretical mathematics from Columbia University. He taught at all educational levels, including elementary and secondary schools in Manhattan and the West Indies, and colleges and universities in four states. In his nearly quarter century as Iona College's top administrator, Brother Driscoll left an impressive legacy in many academic and student life areas. He was inducted into Iona's Hall of Fame in 1994 for his significant contributions in enhancing Iona's athletic department, including expanding women's athletics, developing athletic scholarships in almost all sports and raising the competitive standing of Iona's teams. Because of his active leadership and involvement in a wide range of educational, civic and religious organizations, he also made a lasting mark throughout the broader community of New Rochelle, Westchester County and New York State.

After leaving Iona, Brother Driscoll combined his commitment to lifelong learning and teaching with his passion for Jewish-Catholic studies. In February 1989, Brother Driscoll was appointed director of the Bat Kol Institute

in Jerusalem, Israel. From 1995 until recently, he served as a Scholar in Residence at Hebrew University in Israel, and presented lectures on biblical studies taught through the Jewish traditions to Christian seminary groups and in religious education study centers in the US, India, South Africa, Italy, Zambia, Canada, the Philippines and Australia, among others. His seriousness of purpose in fostering ecumenism was enhanced by his infectious Irish wit and wisdom, earning him well-deserved international respect and admiration. Among the many tributes were honorary doctorate degrees from the National University of Ireland, Galway; Pace University; St. Thomas Aquinas College; and the College of New Rochelle. But perhaps one unusual honor—the endowment of the Brother John G. Driscoll Professorship in Jewish-Catholic studies at Iona College—best captures this remarkable man's lifelong work. Its mission statement reads: "The Professorship takes Brother Driscoll's hopes as its own: that ancient truths will be revered, that hidden truths will be revealed and that new ways will be found to touch the human heart."

H.R. 6198, THE "BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010"—SECTION-BY-SECTION EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. CONYERS. Madam Speaker, below is a description of legislation I have introduced today.

Sec. I. Short Title. Section 1 sets forth the short title of the bill as the "Bankruptcy Technical Corrections Act of 2010."

Sec. 2. Technical Corrections Relating to Amendments Made by Public Law 109–8. Section 2 makes a series of technical corrections to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (2005 Act).

Subsection (a)(1)(A) amends section 101(13A) of title 11 of the United States Code (Bankruptcy Code), which defines "debtor's principal residence." The amendment clarifies that the definition pertains to a structure used by the debtor as a principal residence.

Subsection (a)(1)(B) amends Bankruptcy Code section 101(35), which defines "insured depository institution." The amendment corrects erroneous statutory references in this provision.

Subsection (a)(1)(C) amends Bankruptcy Code section 101(40B), which defines "patient records." The amendment clarifies that the term means a record relating to a patient, including a written document or an electronic record.

Subsection (a)(1)(D) amends Bankruptcy Code section 101(42), which defines "petition." The amendment deletes the reference to section 304 of the Bankruptcy Code, which was eliminated as a result of the 2005 Act, and adds a reference to section 1504, which was added by the 2005 Act.

Subsection (a)(1)(E) amends Bankruptcy Code section 101(51D), which defines "small business debtor." The amendment clarifies that the debt limit specified therein is determined as of the date of the filing of the petition.

Subsection (a)(1)(F) redesignates paragraphs (56A) and (53D) of Bankruptcy Code section 101 as (53D) and (53E), respectively.

Subsection (a)(2) amends Bankruptcy Code section 103(a), which pertains to the applicability of chapters of the Code. The amendment corrects an erroneous statutory reference in this provision.

Subsection (a)(3) amends Bankruptcy Code section 105(d)(2), which pertains to status conferences. The amendment makes a grammatical correction.

Subsection (a)(4) amends Bankruptcy Code section 106(a)(1), which pertains to the waiver of sovereign immunity. The amendment deletes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(5) amends Bankruptcy Code section 107(a), which pertains to public access to bankruptcy cases. The amendment corrects a drafting instruction error.

Subsection (a)(6) makes several amendments to Bankruptcy Code section 109, which sets forth the eligibility criteria for a debtor. Subsection (a)(6)(A) amends Bankruptcy Code section 109(b)(3)(B) to add a missing parenthesis. Subsection (a)(6)(B) makes a conforming amendment to Bankruptcy Code section 109(h)(1) to clarify that Bankruptcy Code section 109(h)(4) is an exception. In addition, subsection (a)(6)(B) clarifies that the 180-day period ends on the date of the filing of the petition.

Subsection (a)(7) amends Bankruptcy Code section 110, which pertains to bankruptcy petition preparers. It makes conforming amendments to Bankruptcy Code section 110(b)(2)(A) and (h)(1) so that they conform to other provisions in section 110 with respect to fees received by a petition preparer on behalf of a debtors. In addition, subsection (a)(7) restructures section 110(h)(3) to clarify the court's authority to disallow fees under this provision.

Subsection (a)(8) amends Bankruptcy Code section 111, which concerns nonprofit budget and credit counseling agencies and financial management instructional courses. The amendment corrects two typographical errors in Bankruptcy Code section 111(d)(1)(E). The first error concerns incorrect punctuation and the second error pertains to incorrect indentation of the subparagraph.

Subsection (a)(9) amends Bankruptcy Code section 303, which pertains to involuntary bankruptcy cases. The amendment corrects the misdesignation of subsection (l) by redesignating it as subsection (k).

Subsection (a)(10) amends Bankruptcy Code section 308, which concerns reporting requirements for small business debtors. The amendment restructures subsection 308(b)(4) to clarify its intent.

Subsection (a)(11) makes two amendments to Bankruptcy Code section 348, which pertains to the effect of conversion of a case. First, it amends Bankruptcy Code section 348(b) to strike references to Bankruptcy Code sections 728(a), 728(b), 1146(a) and 1146(b) as these provisions were eliminated by the 2005 Act. Second, it amends Bankruptcy Code section 348(f)(1)(C)(i) to clarify that the provision applies with respect to the date of the filing of the petition.

Subsection (a)(12) amends Bankruptcy Code section 362, which pertains to the automatic stay, in several respects. First, the amendment makes a stylistic correction to subsection 362(a)(8) with respect to its reference to a debtor that is a corporation. Second, it adds a missing article in subsection 362(c)(3). Third, the amendment conforms the reference in subsection 362(c)(4)(A)(i) to "reified" with subsection 362(c)(3) so that it applies to a case filed under a chapter other than chapter 7 after dismissal of a prior case pursuant to Bankruptcy Code section 707(b). Fourth, it corrects an erroneous conjunctive in subsection 362(d)(4). Fifth, it corrects a spelling error in subsection 362(1).

Subsection (a)(13) amends Bankruptcy Code section 363, which concerns the use, sale, or lease of property. The amendment restructures subsection 363(d) to clarify its intent.

Subsection (a)(14) amends Bankruptcy Code section 505, which pertains to the determination of tax liability. The amendment corrects the provision's use of terminology.

Subsection (a)(15) amends Bankruptcy Code section 507, which pertains to priorities. The amendment corrects a punctuation error.

Subsection (a)(16) amends Bankruptcy Code section 521, which pertains to the duties of the debtor. The amendment makes several revisions. First, it deletes redundant text in subsection 521(a)(2)(A) and (B). Second, it restructures section 521(a)(2) to clarify its meaning. Third, the amendment corrects grammatical errors in paragraphs (3) and (4) of subsection 521(a).

Subsection (a)(17) amends Bankruptcy Code section 522, which concerns exemptions. The amendment corrects two grammatical errors in subsection 522(b)(3)(A). In addition, it makes a conforming revision to subsection 522(c)(1).

Subsection (a)(18) amends Bankruptcy Code section 523, which pertains to the dischargeability of debts. The amendment corrects a punctuation error in subsection 523(a)(2)(C)(ii)(II) and corrects an erroneous statutory cross reference in subsection 523(a)(3).

Subsection (a)(19) amends Bankruptcy Code section 524, which concerns reaffirmation agreements, among other matters. The amendment makes several revisions. First, it corrects erroneous terminology in subsection 524(k)(3)(J)(i) and inserts a missing verb. Second, it corrects a punctuation error in subsection 524(k)(5)(B).

Subsection (a)(20) amends Bankruptcy Code section 526, which deals with restrictions on debt relief agencies. The amendment makes a conforming revision to subsection 526(a)(2). It also adds a missing article to subsection 526(a)(4).

Subsection (a)(21) amends Bankruptcy Code section 527, which concerns disclosures by debt relief agencies. The amendment makes a grammatical correction.

Subsection (a)(22) amends Bankruptcy Code section 541, which deals with property of the estate. The amendment corrects statutory reference to the Internal Revenue Code of 1986 in section 541(b)(6)(B).

Subsection (a)(23) amends Bankruptcy Code section 554, which concerns abandonment. The amendment corrects an erroneous statutory reference in subsection 554(c).

Subsection (a)(24) amends Bankruptcy Code section 704, which pertains to duties of the trustee. The amendment corrects an erroneous statutory reference in subsection 704(a)(3).

Subsection (a)(25) amends Bankruptcy Code section 707, which concerns dismissal of a chapter 7 case or conversion to a case under chapter 11 or 13. The amendment makes several revisions. First, it corrects an erroneous statutory cross reference in subsection 707(a)(3). Second, the amendment clarifies that the provision's reference to date means the date of the filing of the petition in subsection 707(b)(2)(A)(iii)(I). Third, the amendment corrects an erroneous statutory reference in subsection 707(b)(3).

Subsection (a)(26) amends Bankruptcy Code section 723(c), which pertains to the rights of a partnership trustee against general partners. The amendment strikes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(27) amends Bankruptcy Code section 724, which concerns the treatment of liens. The amendment clarifies certain statutory references in section 724(b)(2) and makes other clarifying revisions.

Subsection (a)(28) amends Bankruptcy Code section 726(b), which concerns distribution priorities in a chapter 7 case, to add a statutory reference to section 507(a)(9) and (10).

Subsection (a)(29) amends Bankruptcy Code section 901, which concerns the applicability of the Bankruptcy Code to municipality cases. The amendment adds references to Bankruptcy Code sections 333, dealing with the appointment of a patient care ombudsman, and 351, concerning the disposal of patient records, both of which were added by the 2005 Act.

Subsection (a)(30) amends Bankruptcy Code section 1104, which pertains to the appointment of a trustee and examiner. The amendment restructures subsection 1104(a) to clarify the provision's intent and how it relates to Bankruptcy Code section 1112(6), as amended by the 2005 Act. In addition, it corrects an erroneous statutory reference in subsection 1104(b)(2)(B)(ii).

Subsection (a)(31) amends Bankruptcy Code section 1106, which pertains to the duties of a trustee and examiner. The amendment corrects two erroneous statutory references in section 1106(a).

Subsection (a)(32) amends Bankruptcy Code section 1111, which concerns claims and interests. The amendment corrects an erroneous statutory reference in section 1111(a).

Subsection (a)(33) amends Bankruptcy Code section 1112(b), which sets forth the grounds for converting or dismissing a chapter 11 case. The amendment restructures this provision to eliminate an internal redundancy. In addition, it corrects an erroneous statutory reference in section 1112(e).

Subsection (a)(34) amends Bankruptcy Code section 1127, which pertains to modification of a chapter 11 plan. The amendment corrects an erroneous statutory reference in section 1127(f)(1).

Subsection (a)(35) amends Bankruptcy Code section 1129(a), which sets forth the criteria for confirmation of a chapter 11 plan. The amendment makes a grammatical correction to section (a)(16).

Subsection (a)(36) amends Bankruptcy Code section 1141(d)(5), which concerns the effect of confirmation. The amendment clarifies the intent of this provision.

Subsection (a)(37) amends Bankruptcy Code section 1145(b), which pertains to the applicability of securities laws. The amendment corrects an erroneous statutory reference in this section.

Subsection (a)(38) amends Bankruptcy Code section 1202, which details the responsibilities of a trustee in a chapter 12 case. The amendment corrects several erroneous statutory references in section 1202(b).

Subsection (a)(39) amends Bankruptcy Code section 1302, which details the responsibilities of a trustee in a chapter 13 case. The amendment corrects several erroneous statutory references in section 1302(b)(1).

Subsection (a)(40) amends Bankruptcy Code section 1304, which concerns a chapter 13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f), which concerns relief that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109–8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

HONORING ELIZABETH LORENTZEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Elizabeth Lorentzen of Decorah, Iowa as the recipient of the Art Educators of Iowa (AEI) 2010 Outstanding High School Art Educator award for her dedication to her students and art. She will receive the award on October 2, 2010 at the AEI conference in Sioux City, Iowa.

Elizabeth is currently an art teacher at Decorah High School and has been teaching art for 39 years. In addition to high school art, she has taught art education classes at Luther College and drawing classes through Decorah/Northeast Iowa Community College's Continuing Education Program.

Over the years, Elizabeth has maintained deep relationships with her students by taking interest in their successes and challenges. She is known to use her lunch break to help students who are having difficulties in completing a project. It is because of Elizabeth's passion that many of her students have chosen to pursue a career in art or art education.

Elizabeth has received the Luther College Partners grant eight times, was the 2008 Decorah Walmart Teacher of the Year, and she is the winner of two McElroy grants. Two of her students have won the Fourth Congressional District art competition and had their work hung in the U.S. Capitol for a year.

Elizabeth Lorentzen is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her and the people of the Decorah Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating Elizabeth on this well-deserved award and thanking her for her dedicated service to her community and America's youth.

CONGRATULATING THE WAIPIO LITTLE LEAGUE BASEBALL TEAM

HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. DJOU. Madam Speaker, I rise today to recognize the Waipio Little League Baseball Team of Waipahu, Hawai'i for their outstanding achievements as National Champions in the 2010 Little League World Series.

The Waipio team competed against the best Little League teams in America. The team defeated Texas in the U.S. Championship game

with an impressive 10 to 0 victory. The Waipio team then represented the U.S. in the International Championship game against Japan. Although Japan came out ahead that day, the Waipio team kept the fans cheering and chanting ''U.S.A.'' through the game's conclusion.

I am thrilled that our hometown teams are continuing Hawaii's tradition of Little League success and honorable sportsmanship. Americans across the country are proud of the effort and spirit displayed by these young players. While the practices, training, and games are an important part in the team's success, the coaches, parents and the community serve vital roles in supporting the team.

On behalf of the citizens of the 1st Congressional District of Hawai'i, I extend my congratulations to 2010 Little League World Series National Champions, the Waipio Baseball team, for their amazing achievements throughout the season.

IN HONOR OF JOHN FISCHER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FARR. Madam Speaker, I rise today to remember the life of John Fischer, who passed away recently at the age of 81. I am honored to have this opportunity to recognize his long public service in the California Central Coast community that I represent.

John was born and raised on the east coast, graduating from the University of Maryland with a degree in physics. He was a long time member of Mensa, which accepts only persons who test in the top two percent of our nation in intelligence. John was in the top .01 percent. He moved to Los Angeles and worked for the Los Angeles Fire Department for nearly a decade. During that time he assisted the Los Angeles Police Department on the task force that took part in solving the Hillside Strangler case. He later worked for the LAPD, and then for the Los Angeles City Library.

In 1989, John moved to Pacific Grove and immediately became a frequent speaker at City Council and other public meetings, advocating for environmental issues. John had a gift for explaining difficult concepts in simple terms that made complex topics understandable. His discourse was not only informative, but always polite, even in heated disagreements.

I never saw him without his snowy owl pendant, and even his license plate, ''Snowy,'' proclaimed his love of and care for the natural world. In his twenty-one years in our community, he contributed a lot of time and effort to many organizations. He was a co-founder of EcoCorps with former Pacific Grove Mayor Sandy Koffman and her husband; he served as President and Trustee of Friends of the Sea Otter; he volunteered for the Monterey Bay National Marine Sanctuary in all its programs that monitor water quality, and also served for years on its Conservation Working Group. He volunteered for Pacific Grove's Monarch Habitat Restoration Committee, Americans with Disabilities Act Compliance Advisory Committee, Economic Development Group, Housing Committee, Community Policing Advisory Committee, Traffic Commission, Crespi Pond Committee, and represented Pacific Grove on the Citizens Advisory Committee for the Transportation Agency of Monterey County.

For his over 1,800 hours as a volunteer at the Monterey Bay Aquarium he was named a ''Volunteer Emeritus.'' In 2005, the National Marine Sanctuary Foundation named him an Outstanding Volunteer. He received numerous accolades during his life for his many contributions.

Madam Speaker, I know that I speak for the whole House in mourning the passing of this dedicated and loving man. His life was a gift to his community, a shining example to be emulated by those who he inspired to continue his work.

CONGRATULATING ICHIRO SUZUKI FOR BECOMING THE FIRST PLAYER IN THE HISTORY OF MAJOR LEAGUE BASEBALL WITH AT LEAST 200 BASE HITS IN 10 CONSECUTIVE SEASONS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. McDERMOTT. Madam Speaker, I rise today to congratulate Ichiro Suzuki for becoming the first player in the history of Major League Baseball with at least 200 base hits in 10 consecutive seasons. Ichiro is an outfielder for my hometown team, the Seattle Mariners. He came to the Mariners in 2001 after playing for nine years for the Orix Blue Wave in Japan.

On Thursday, September 23, 2010 Ichiro accomplished this record feat with a line-drive single to center field in the fifth inning against the Toronto Blue Jays. The only other player in MLB history with ten 200-hit seasons is Pete Rose, but Ichiro is the only player to ever accomplish this in consecutive seasons, demonstrating incredible athletic ability and consistency.

For the people of Seattle, and for baseball fans everywhere, I wish Ichiro Suzuki congratulations for this incredible accomplishment.

EMERGENCY MEDIC TRANSITION ACT OF 2010

SPEECH OF

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. BEAN. Mr. Speaker, I rise in support of H.R. 3199—Emergency Medic Transition, EMT, Act. As an original cosponsor and coauthor of this bill, I'm pleased that policy language I authored regarding reciprocity for military emergency medical technicians can be considered today. This provision establishes reciprocity between the armed services and states regarding certification for emergency medical technicians, EMTs.

In 2008, the State of Illinois passed legislation which allows military ''EMT'' training of an honorably discharged member of the armed forces to be considered as 'reciprocal' for its licensure requirements. Working with Representatives HARMAN and HERSETH SANDLIN, I included a similar provision in H.R. 3199, The Emergency Medic Training, EMT, Act, a comprehensive bill that will assist our EMT vets with training, grants, and education opportunities when they arrive home.

The need for such direction to states remains necessary. Our men and women in uniform should be able to use their real-time training and education in the field to help those in emergencies here at home, without the cost and redundancy of retraining upon their return.

I want to thank Congresswomen HARMAN and HERSETH SANDLIN for their hard work and support of our returning EMTs as well as their efforts to bring the underlying bill to the floor. I encourage my colleagues to vote ''yes.''

HONORING PROFESSIONAL TRUCK DRIVERS

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LoBIONDO. Madam Speaker, I rise today to recognize America's professional truck drivers who serve our nation by delivering the clothes we wear, the food we eat, and the medicine we rely on.

This week, September 19–25, is designated National Truck Driver Appreciation Week and is set aside to honor the 3.4 million professional truck drivers in the United States. One out of every fifteen people across this country is employed in the trucking industry, making it one of our nation's largest employers.

Trucking is an industry that I am personally quite familiar with. Before getting into politics, I spent 26 years working in my family's trucking business. Early on, I acquired a Commercial Driver's License, which I still carry.

Trucking serves as the backbone of our economy, and is responsible for nearly 70 percent of the total U.S. freight tonnage. Over 80 percent of our nation's communities rely solely on the trucking industry for their goods and commodities.

The America's truck drivers are dedicated to keeping our highways safe. They follow stringent safety regulations, attend frequent training programs and educate the motoring public to help them drive safer around tractor-trailers.

America's truck drivers sacrifice precious time from their families, all the while, they deliver for ours. This week we pause to say thank you to them and to their families.

I salute these fine professionals and their families for the dedication they have to America and for delivering life's essentials safely and securely.

ON THE INTRODUCTION OF LEGISLATION TO FACILITATE BUSINESS AND AGRICULTURAL LEASING OF NAVAJO NATION LANDS

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LUJÁN. Madam Speaker, I rise today to introduce legislation to enable Navajo Nation

to enter into 99-year commercial leases for economic development purposes.

Navajo Nation is the largest tribe in the United States. It's comprised of over 250,000 members and extends over 27,000 square miles of New Mexico, Arizona and Utah.

Today's Navajo Nation has worked to provide economic development opportunities and partnerships with individuals, small business owners, and large commercial establishments. With successful initiatives including the Diné Power Authority and the Navajo Agricultural Products Industry, the Nation has been at the forefront of economic development on tribal lands.

Today I am introducing legislation that I hope will enable the Nation to develop new projects and exercise their tribal sovereignty. This bill will authorize the Navajo Nation to enter into commercial leases of up to 99 years on their tribal lands. This simple revision of current law will level the playing field for the Nation by allowing it to enter into the same terms that commercial leases are typically offered.

It is my hope that the offering of 99-year leases will trigger additional economic growth on the Navajo Nation. I urge my colleagues to join me in supporting this necessary legislation.

URGING HUMAN RIGHTS AND DEMOCRACY IN KAZAKHSTAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. CLAY. Madam Speaker, I rise today to bring attention to growing concern of abuse and corruption in the former Soviet Republic country of Kazakhstan. The recent revolution in neighboring Kyrgystan and, earlier, the conflict behind Russia and Georgia heightens concern for the region . . . a region rich in oil and gas supplies and a region which serves as a gateway for the U.S. and NATO war effort in Afghanistan. However, ongoing allegations of corruption, human rights abuses, human trafficking, religious persecution and the lack of election reform, free media and free speech seriously affect its civil society.

The world's 10th largest energy-producing country, where a large number of U.S. corporations are doing business in an effort to meet our domestic energy needs, is not only an ally of the U.S. on non-proliferation treaties; it has provided the U.S. and NATO a gateway to Afghanistan. However, increasingly I see reports indicating that Kazakhstan's governmental system lacks the basic rights of democracy: elections are neither free nor fair; what political opposition exists is manipulated, physically and economically harassed and even sometimes assassinated. Few independent media outlets exist; wide-scale corruption which has begun to affect major U.S. companies doing business in Kazakhstan is rampant; respect for human rights, religious freedom, and freedom of speech or economic liberalization is non-existent.

The United States has sought a mutually beneficial relationship with Kazakhstan and provides aid to Kazakhstan in order to enhance economic growth, democracy, security, and civil society and to attend to humanitarian needs. However, it is evident that the current U.S.-Kazakhstan relationship is compromised by Kazakhstan's record of human rights violations and lack of immediate and necessary reforms while chairing the OSCE. The U.S. Department of State has criticized President Nazarbayev's government for human rights violations. Its March 2009 report states: "The following human rights problems were reported: severe limits on citizens' rights to change their government; military hazing that led to deaths; detainee and prisoner torture and other abuse; unhealthy prison conditions; arbitrary arrest and detention; lack of an independent judiciary; restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination."

The details in the report, as well as reports from observer groups, are haunting. Two notable external groups are Freedom House and the United States Department of State. The observer group, Freedom House, has labeled Kazakhstan as "not free" and according to its assessment, Kazakhstan has earned a 6 ranking in Political Liberties and a 5 in Civil Liberties on the Freedom House scale of 1 to 7, 7 being the worst ranking possible. Even the U.S. State Department ranks Kazakhstan as a Tier 2 Watch List, meaning that Kazakhstan is a cause for concern over human trafficking issues.

In amending the constitution to allow him unlimited reign in 2007, President Nazarbayev joined a growing list of authoritarian leaders worldwide who have extended their terms indefinitely.

I applaud the work of the Helsinki Commission under the current leadership of Senator BEN CARDIN, and previously, Congressman ALCEE HASTINGS, for their ongoing commitment to bringing these matters to light and it is my hope that we continue work to bring about a transparent democracy where human rights violations and corruption have no place.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,471,094,170,316.20.

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 $2,832,668,424,022.40 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

CELEBRATING NATIONAL HISPANIC HERITAGE MONTH

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HINCHEY. Madam Speaker, I rise today to honor the Latino Democratic Committee of Orange County, as it celebrates National Hispanic Heritage Month. For almost a decade, the Latino Democratic Committee of Orange County has championed the cause of improving the lives of Latinos in Orange County through pride of ethnic origin, involvement in government, education and community issues while building coalitions. I am delighted to add my voice to those recognizing the contributions of Hispanic Americans to the United States and to celebrate Hispanic heritage and culture. I am proud to join the residents of Orange County in commemorating this celebratory month.

Since 1968, as Hispanic Heritage Week was approved by President Lyndon Johnson and expanded by President Ronald Reagan in 1988, we have all come together to celebrate and honor Hispanic Americans and their contributions to our Nation. Since the Revolutionary War, Hispanics have served with honor and distinction in every conflict. They serve as leaders in government, law, business, not-for-profits, social movements, and grassroots efforts. Hispanics continue to enrich our Nation's character and shape our common future. Now, more than ever, Hispanic Americans are shaping the American experience.

Madam Speaker, I am delighted to honor National Hispanic Heritage Month and the Latino Democratic Committee of Orange County. I congratulate and salute the board of directors and supporters of this organization for their very positive and lasting impact on the lives of so many individuals and families.

POLITICAL PRISONERS BEING HELD IN VIETNAM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. ROHRABACHER. Madam Speaker, the Vietnamese government is nothing but a gaggle of thugs and gangsters who exploit, control and profit from the labor of the Vietnamese people and the theft of that nation's natural resources. The Hanoi dictatorship regularly imprisons, tortures and executes Vietnamese citizens who challenge the government/mafia's rule. As in all countries ruled by a communist party religious believers are persecuted most severely because those who align themselves with a higher authority than the mob in the capitol are its greatest threat.

More than two years ago, I placed a list of the political prisoners then being held by the government of Vietnam in the CONGRESSIONAL RECORD. I am sorry to say that the list of political prisoners now being held in Vietnam has actually grown over the last twenty-four months. Vietnam has benefited immensely from growing US-Vietnam ties in the 15 years since relations were resumed, but the relationship has not in any way, shape, or form been

a two-way street. Vietnam remains a one-party state that restricts freedom of association and assembly, controls religious and labor organizations, bars independent media, obstructs free speech and harshly prosecutes its most prominent public critics.

In advance of the 1000th anniversary of Thang Long, Ha Noi on October 1st, I call on the Vietnamese ruling elite to release all political and religious prisoners immediately and unconditionally. And I urge the State Department to re-designate Vietnam a ''Country of Particular Concern'' for its gross violations of human rights and religious freedom.

I have attached a new List of Political and Religious Prisoners Who are Still Detained.

THE LIST OF POLITICAL AND RELIGIOUS PRISONERS WHO ARE STILL DETAINED

1. Truong Van Duy, life sentenced, then reduced to 20 years, has been in prison for 14 years, the Campaign the Red Jacaranda of Hoang Viet Cuong, in Camp 2, Xuan Loc prison, Dong Nai province.
2. Le Van Tinh, over 70 years old, member of People Action Party of Vietnam (PAP), Advisory Board member to Unified Buddhist Church, arrested 25/01/1995, sentenced to 20 years, has been in prison for 14 years in Camp 2, Xuan Loc prison, Dong Nai province.
3. Do Van Thai, sentenced to 17 years, has been in prison for 11 years, has HIV/AIDS, in Camp 2, Xuan Loc prison, Dong Nai province.
4. Nguyen Huu Cau, life sentenced, has been in prison for 34 years, in Camp 2, Xuan Loc prison, Dong Nai province.
5. Nguyen Van Hoa, nearly 70 years old, sentenced to 20 years, has been in prison for 18 years, in Camp 2, Xuan Loc prison, Dong Nai province.
6. Nguyen Van Trai, sentenced to 16 years, has been in prison for 14 years, has stomach bleeding, weakness, cerebrovascular disease, in Camp 2, Xuan Loc prison, Dong Nai province.
7. Nguyen Long Hoi, nearly 70 years old, life sentenced, then reduced to 20 years, had been in prison for 13 years, then escaped and was arrested in 2010, now has to be in prison for 7 years, in Camp 2, Xuan Loc prison, Dong Nai province.
8. Nguyen Tuan Nam, member of People Action Party of Vietnam (PAP), sentenced to 19 years, has been in prison for 14 years, has cerebrovascular disease, in Camp 2, Xuan Loc prison, Dong Nai province.
9. Tran Van Duc, member of the Free Vietnam Organization (FVO), near 60 years old, sentenced to 11 years and has been in prison for nearly 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.
10. Nguyen Xuan No, sentenced to 8 years, has been in prison for 4 years, political prisoner in Camp 2, Xuan Loc prison, Dong Nai province.
11. Tran Van Thieng, 75 years old, sentenced to 20 years, has been in prison for 19 years and 6 months, has chronic kidney stage 3 and prostatic disease, in Camp 2, Xuan Loc prison, Dong Nai province.
12. Bui Dang Thuy, nearly 60 years old, member of People Action Party of Vietnam (PAP), sentenced to 18 years, has been in prison for 13 years, has severe lung disease, in Camp 2, Xuan Loc prison, Dong Nai province.
13. Nguyen Van Canh, nearly 60 years old, sentenced to 13 years, has been in prison for 5 years, in Camp 2, Xuan Loc prison, Dong Nai province.
14. Do Thanh Nhan, 84 years old, sentenced to 20 years, has been in prison for 18 years, in Camp 2, Xuan Loc prison, Dong Nai province.
15. To Van Hong, nearly 60 years old, sentenced to 13 years, has been in prison for 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.
16. Danh Huong, Cambodian-Vietnamese prisoner, sentenced to 17 years, has been in prison for 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.
17. Pham Xuan Than, life sentenced, has been in prison for 14 years, in Camp 2, Xuan Loc prison, Dong Nai province.
18. Nguyen Hoang Son, sentenced to 12 years, has been in prison for 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.
19. Huynh Anh Tu, member of the Free Vietnam Organization (FVO), 42 years old, sentenced to 13 years, has been in prison for 10 years, in Camp 2, Xuan Loc prison, Dong Nai province.
20. Huynh Anh Tri, member of the Free Vietnam Organization (FVO), 38 years old, sentenced to 13 years, has been in prison for 10 years, in Camp 2, Xuan Loc prison, Dong Nai province.
21. Nguyen Ngoc Phuong, member of the Free Vietnam Organization (FVO), 45 years old, a Vietnamese living in Cambodia, sentenced to 13 years, has been in prison for 10 years, in Camp 1, Xuan Loc prison, Dong Nai province.
22. Nguyen Van Trung, over 60 years old, sentenced to 20 years, has been in prison for 18 years, in Camp 2, Xuan Loc prison, Dong Nai province.
23. Huynh Anh, sentenced to 8 years, has been in prison for 6 years, in Camp 2, Xuan Loc prison, Dong Nai province.
24. Au, was arrested in recent day and was in court at Lam Dong, Dong Nai province.
25. Kim, was arrested in recent day and was in court at Lam Dong, Dong Nai province.
26. Huyen, was arrested in recent day and was in court at Lam Dong, Dong Nai province.
27. Phuong, was arrested in recent day and was in court at Lam Dong, Dong Nai province.
28. Vu Hung, sentenced to 20 years, had been in prison for 11 years, escaped and was arrested.
29. Do Thanh Van, sentenced to 20 years, has been in the prison for 12 years.
30. Pham Ba Hai, sentenced to 5 years, has been in the prison for 4 years.
31. Huynh Buu Chau, about 58 years old, Xuan Loc prison, Dong Nai province was arrested in 1999 in Cambodia, sentenced to 11 years, and will be released on 9/9/10, in Xuan Loc prison, Dong Nai province.
32. Ho Long Duc, member of the Free Vietnam Organization (FVO), sentenced to 20 years, has been in the prison for 12 years, in Xuan Loc prison, Dong Nai province.
33. Van Ngoc Hieu, sentenced to 20 years, has been in the prison for 12 years, hasn't had anyone who visits, escaped from the Camp B34 but was arrested.
34. Le Kim Hung, member of the Free Vietnam Organization (FVO), sentenced 20 years, has been in the prison for 12 years, Xuan Loc prison, Dong Nai province.
35. Truong Quoc Huy, 29 years old, sentenced to 6 years, has been in the prison for 4 years.
36. Tran Quoc Hien, lawyer, the spokesman to The United Workers and Famers Association (UWFA), sentenced to 5 years, has been in the prison for 3 years, in Bo La prison camp, Binh Duong province.
37. Son Nguyen Thanh Dien, member of the Free Vietnam Organization (FVO), has USA Green Card, returned to Vietnam, was arrested and sentenced to 17 years, has been in the prison for 12 years, in Xuan Loc prison camp, Dong Nai province.
38. Nguyen Van Phuong, sentenced to 17 years, has been in the prison for 12 years, in Xuan Loc prison camp, Dong Nai province.
39. Tran Hoang Giang, sentenced to 16 years, has been in the prison for 12 years, in Xuan Loc prison camp, Dong Nai province.
40. Truong Minh Duc, journalist, camp 4.
41. Tran Tu, life sentenced, has been in the prison for 17 years, has USA Green Card, in Nam Ha prison camp.
42. V. Van Thanh Liem, 60 years old, Hoa Hao religious prisoner, sentenced to 6 years and 6 months.
43. V. Van Dien, 71 years old, Hoa Hao religious prisoner, sentenced to 7 years, has been in the prison for 5 years.
44. Nguyen Thanh Phong, Hoa Hao religious prisoner, sentenced to 6 years.
45. V. Van Buu, Hoa Hao religious prisoner, sentenced to 7 years.
46. Mai Thi Dung, Vo Van Buu's wife, sentenced to 11 years, is severe sickness, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.
47. Nguyen Van Tho, 72 years old, sentenced to 7 years, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.
48. Duong Thi Tron, Nguyen Van Tho's wife, 72 years old, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.
49. Le Van Soc, sentenced to 6 years, was arrested in 2006, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.
50. To Van Manh, sentenced to 6 years, was arrested in 2006, Hoa Hao religious prisoner.
51. Nguyen Van Thuy, sentenced to 5 years, was arrested in 2006, Hoa Hao religious prisoner.
52. Doan Van Duyen, member of The United Workers and Famers Association (UWFA), arrested 12/04/07, sentenced to 4 years, in camp prison B5, Bien Hoa, Dong Nai province.
53. Tran Van Thiep, arrested in 2007, lived in An Giang province.
54. Nguyen Van Hai, nick name ''Blogger Dieu Cay'', sentenced to 2 years and 6 months, political prisoner (but was arrested with the reason announced by court: ''did not pay tax'')
55. Nguyen Van Ngoc, 51 years old, arrested in 2007, sentenced to 5 years.
56. Nguyen Van Phong, born in 1975, member of Progressive Party, arrested in 03/29/07, sentenced to 6 years, has been in the prison for 3 years and 5 months, in K3, Camp 5, Yen Dinh, Thanh Hoa province.
57. Nguyen Binh Thanh, born in 1955, member of Progressive Party, arrested on 3/30/07, sentenced to 5 years, has been in the prison for 3 years and 5 months. in Z30A, K4, Xuan Truong, Xuan Loc, Dong Nai province.
58. Tran Khai Thanh Thuy.
59. Pham Thanh Nghien.
60. Le Cong Dinh, the President of Dremocratic Party of Vietnam.
61. Tran Huynh Duy Thuc.
62. Le Thanh Long.
63. Tran Anh Kim, member of Dremocratic Party of Vietnam.
64. Nguyen Tien Trung, member of Dremocratic Party of Vietnam.
65. Pham Van Viem, translated the book ''Che Do Phat Xit'', arrested many times and escaped, living in Bulgaria for 7 years and was arrested back to Vietnam in 12/97, in camp 615, Kim Giang, Thanh Xuan, Ha Noi (link: http://www.daiviet.com/archive/findex.php/t-92220.html.)
66. Le Id Tue, politically refugeed in Campodia, missing since 5/7/07 (according to Nguyen Thu Tram, Le Tri Tue was arrested by the police of Phuong 3, Phu Nhuan district, Hochiminh city.)
67. Pham Van Troi, 41 years old.
68. Vu Hung, teacher, 44 years old.
69. Tran Duc Thach.
70. Nguyen Xuan Nghia, the writer, 61 years old.
71. Ngo Quynh, university student, 26 years old.
72. Nguyen Manh Son, 67 years old.
73. Nguyen Van Tinh, 68 years old.

74. Nguyen Van Tuc, 46 years old.
75. Nguyen Kim Nhan, 61 years old.
76. Duong Kim Khai, arrested on 8/10/10 at Chuong Bo Church, 37/6 Cau Ong Ngu, Binh Thoi St, phuong 28, Binh Thanh district, Hochiminh city.
77. Nguyen Van Dal, lawyer.
78. 140 prisoners of ''Tay Nguyen'' and ''Dega'' in K1, K2, K3, Nam Ha Camp, Ba Sao, Kim Bang, Nam Ha province.

INTRODUCING A RESOLUTION TO RAISE AWARENESS OF HYPERTENSION AND HELP REVERSE ITS PREVALENCE IN THE UNITED STATES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that seeks to raise hypertension awareness and help reverse its prevalence in our nation through education, further research, and efforts to reduce the excess salt content in our food. Hypertension, also known as high blood pressure, is the most commonly diagnosed chronic health condition in the United States, disproportionately affecting the Southeast and African Americans.

High blood pressure is a major risk factor for heart disease and stroke, the first and third leading causes of death in the United States, as well as congestive heart failure and kidney disease. Approximately one out of three adults (74.5 million people) in the United States is hypertensive. Furthermore, about one in four adults is pre-hypertensive, which means that they are at greater risk for developing hypertension. Hypertension is directly and indirectly responsible for tens of thousands of deaths in the United States each year, and its prevalence is expected to grow due to a large aging population and high rates of obesity and diabetes.

Hypertension is called the ''silent killer'' because there are often no symptoms that indicate that an individual's blood pressure has reached a deadly level. Sadly, more than one out of five individuals is unaware that they have high blood pressure. African Americans have the highest prevalence of hypertension in the United States, and are more likely to develop it at earlier ages, develop cardiovascular morbidity and disability, and die from hypertension or hypertension-related illnesses. Furthermore, Hispanics often have low levels of hypertension awareness, treatment, and control. Fortunately, through education, healthy lifestyle habits, advances in medical science, research, and smart health care policy, we can begin to reverse these alarming trends.

In particular, addressing high sodium (salt) intake can decrease one's risk for developing high blood pressure. The average person in the United States consumes almost 1.5 times the daily maximum value of salt established by the Department of Health and Human Services. According to a study by the American Medical Association, 150,000 lives could be saved each year if the sodium content in processed foods and restaurant foods were decreased by 50 percent. In addition, we must improve access to affordable, healthy foods for all Americans as well as nutrition labeling to ensure that consumers have the information they need to make informed decisions about their food purchases.

My resolution encourages all individuals to take control of their health by becoming knowledgeable of their blood pressure as well as their risk for hypertension. Furthermore, it supports community-based programs that use culturally competent and evidence-based strategies to address hypertension; recognizes the importance of linking hypertension awareness programs to other existing programs that address health conditions such as obesity and diabetes; and supports further research that provides a better understanding of how hypertension disproportionately affects different communities. Finally, my resolution calls for the Food and Drug Administration to set mandatory national standards, including improved nutrition labeling, for the sodium content in foods, especially those sold in grocery stores and served in schools and restaurants.

Madam Speaker, health care providers, patients, communities, governmental entities, the food industry, and health-focused organizations must work together to raise awareness about high blood pressure and to develop sustainable solutions for prevention, treatment, and control. I remain committed to supporting national, state, and community efforts to address potentially deadly health conditions like hypertension and to combating health disparities.

RECOGNIZING THE CONTRIBUTIONS OF WILLIAM AND ELISE WINTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize the outstanding contributions made by the Honorable William and Mrs. Elise Winter in the fields of education and race relations in the State of Mississippi.

Mr. Winter served as governor for the State of Mississippi from 1980 to 1984. Mr. and Mrs. Winter have been long-time advocates for public education, racial reconciliation, and historic preservation. Mr. Winter served as a member of President Clinton's National Advisory Board on Race, and was instrumental in founding the William Winter Institute for Racial Reconciliation at the University of Mississippi. In 1989, he became the first holder of the Eudora Welty Chair of Southern Studies at Millsaps College and was awarded the Profile in Courage Award by the John F. Kennedy Library Foundation in 2008.

During his tenure, both he and his wife were instrumental in passing the 1982 Mississippi Education Reform Act. The 1982 Mississippi Education Reform Act was credited with building stronger elementary and secondary education systems throughout Mississippi and the South. Under this act, teachers received pay increases, compulsory school attendance was mandated, teacher and school accreditation became based on school performance, and kindergarten was mandated for public schools in Mississippi.

Mrs. Elise Varner Winter, a native of Senatobia, Mississippi graduated from Senatobia High School. She completed her postsecondary education at Northwest Junior College and the University of Mississippi, where her academic focus was history.

Her civic and public service activities include advocacy for education. A member of the Mississippi Easter Seal Society, Mrs. Winter also served as President of the official Mississippi Women's Club and Chair of National Library Week. Additionally, she is a member of the board of trustees of Rust College, a trustee of the Synod of Mid-South of the Presbyterian Church and was the first woman elder of Fondren Presbyterian Church of Jackson. She is also very active in Habitat for Humanity—Metro Jackson.

Not only were Governor and Mrs. Winter very instrumental in education reform for the State of Mississippi but they have brought leadership, vision, and voices of reason to the State of Mississippi. Madam Speaker, I ask that you and my colleagues please join me in honoring Mr. and Mrs. Winter for their many contributions in public education and racial relations in the State of Mississippi.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. MALONEY. Madam Speaker, on September 22, 2010, I missed rollcall votes Nos. 532 and 533. Had I been present, I would have voted ''yea'' on rollcall votes No. 532, to establish Coltsville National Historical Park in the State of Connecticut and, No. 533, to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality.

HONORING THE SERVICE OF MARCIA AVNER: NONPROFIT LEADER, ADVOCATE, ORGANIZER AND TEACHER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. McCOLLUM. Madam Speaker, I rise to pay tribute today to one of Minnesota's outstanding community leaders and a longtime resident of my Congressional District, Marcia Avner. This month, Marcia Avner is transitioning from her position as Public Policy Director for the Minnesota Council of Nonprofits (MCN), a position she has held for the past 14 years, to Senior Fellow at MCN, where she will continue to do what she has done best for so many years; advising and training emerging nonprofit sector advocates at both the state and national levels.

Marcia has distinguished herself in several realms. She is an incredibly effective and inspirational advocate and organizer, a teacher and promoter of the art of public advocacy, and a distinguished public servant at the local, state and federal levels of government. Her work includes advocacy and civic engagement training and education as well as lobbying on election reform, tax policy, and many other

issues important to nonprofits and the people they serve. Marcia teaches with her husband, Wy Spano, at the Center on Advocacy and Political Leadership at the University of Minnesota—Duluth, where she is inspiring the next generation of great nonprofit leaders. She has traveled all over the country and abroad, to England, Poland and Hungary, to conduct national advocacy and organizing institutes and seminars for nonprofit centers, academic centers, and for Wellstone Action, a nonprofit dedicated to progressive social change.

Marcia gives a presentation called ''Lobbying for the Truly Intimidated,'' in which she tells the story of her own first legislative experience, testifying on hearing aid reform as a parent of a hearing impaired son. She went to the wrong building with a dome: the Cathedral of Saint Paul instead of the State Capitol. It was a fitting recognition of Marcia's dual roles that in 2003 she was recognized as ''Teacher of the Year'' by Hamline University for her course on Public Policy and Nonprofits, and in the same year received ''Activist of the Year'' from the Minnesota Alliance for Progressive Action.

Marcia has played a key role in developing the field of nonprofit advocacy, with numerous articles and two books: ''The Lobbying and Advocacy Handbook for Nonprofit Organizations: Shaping Public Policy at the State and Local Level'' (2002): and ''The Board Member's Guide to Lobbying and Advocacy'' (2004).

Marcia's effectiveness in local, state and federal government relations is the result of her experience working as Communications Director for the late U.S. Senator Paul Wellstone, Deputy Mayor of St. Paul, Executive Director of The Minnesota Project, Assistant Commissioner of Energy for the State of Minnesota, and Legislative Director with the Minnesota Public Interest Research Group (MPIRG).

Not everyone knows that Marcia served in several key roles for MCN before she became Director of Public Policy: as one of the original planners in 1986 at a retreat at Wilder Forest; one of the three incorporators when MCN filed with the Secretary of State, and as MCN's first Board Chair and convener of the first MCN Annual Conference in 1987. Marcia built MCN's public policy program and developed a national reputation for MCN in the areas of public policy and capacity building.

Marcia is always generous with her time and her insights, meeting and speaking with small groups on nights and weekends as well as serving on numerous community and nonprofit boards. Her work includes serving on the board of directors of Lifetrack Resources, Inc., the Governor's Commission on Deaf and Hard of Hearing, the Center for Lobbying in the Public Interest, Wellstone Action, the Wellstone Action Fund, and the Nonprofit Information Networking Association which publishes The Nonprofit Quarterly. Marcia has a BA from Carnegie Mellon University and an MA from the University of Arkansas.

Madam Speaker, as we honor Marcia's service to the Minnesota Council of Nonprofits, it is fitting to quote from the dedication of her book, ''The Lobbying and Advocacy Handbook for Nonprofit Organizations.'' As she quotes her grandmother, Marcia tells us something about why she has been and will continue to be such an effective advocate for nonprofit organizations in Minnesota and across the nation: ''This book is dedicated to nonprofits' achievements in shaping public policy—past, present, and future. Remember: 'You Don't Ask, You Don't Get' Grandma Mania Zaludkowski.' ''

ALL-AMERICAN FLAG ACT

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BRALEY of Iowa. Madam Speaker, I'm proud to rise in strong support of my legislation, the All-American Flag Act. I strongly believe that our American flags should be made in the U.S.A. with American products.

Currently, Federal law does require that American flags purchased and used by the government are partially American made. That is, the law only requires that at least 50 percent of the materials used to make the flag are American made. I strongly believe that this is a hypocritical use of our taxpayer dollars, especially when the majority of American flags that are imported into the United States come from China.

According to Commerce and Census Data, in 2009, the dollar value of flags imported to the United States was $3 million. Of that total, $2.5 million of imported flags came from China.

The Federal Government should not be buying American flags that are manufactured in countries such as China. This is why I introduced the All-American Flag Act.

My legislation would simply require that any United States flags acquired for use by the Federal Government be entirely manufactured in the United States. This is a simple fix that ensures American flags are not foreign-made.

I urge my colleagues to support my All-American Flag Act and look forward to seeing it pass on the House floor.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. KILPATRICK of Michigan. Madam Speaker, I was unavoidably absent from votes yesterday. Had I been present, I would have voted ''aye'' on final passage of H.R. 5131 and ''aye'' on final passage of H.R. 3470.

RECOGNIZING SEATTLE INDIAN HEALTH BOARD 40TH ANNIVERSARY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. McDERMOTT. Madam Speaker, today I rise to offer special recognition to the Seattle Indian Health Board, SIHB, on its upcoming 40th anniversary celebration. Since its founding in 1970, SIHB has played a critical role in improving the access to and quality of healthcare for the American Indian and Alaskan Native communities throughout King County. The organization serves as a great model for other Native care organizations throughout the country.

The Seattle Indian Health Board began its mission working with an all-volunteer staff out of various donated spaces. Within five years of its founding, SIHB grew to a staff of several dozen workers who served over 12,000 patients annually through various programs, including Thunderbird Fellowship House, SIHB's alcoholism treatment center.

In the following decades, SIHB expanded its programs and staff in a variety of ways and has been diligent in pursuing new methods for helping its community members. Its services extend beyond medical and dental assistance; SIHB also provides a variety of mental health programs, guidance to Native youth, and generous programs to take care of the elderly and returning veterans.

These are difficult times; our Nation faces difficult challenges at home, and our Native communities are some of the most vulnerable. The Seattle Indian Health Board has done an excellent job in making sure that these communities receive the care and attention they need. For this, they have my deep gratitude and congratulations on four decades of service, and my best wishes for many more.

RECOGNIZING EUREKA ELEMENTARY SCHOOL OF KEYSVILLE, VIRGINIA

HON. THOMAS S. P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to recognize Eureka Elementary School of Keysville, Virginia, which has been honored as a 2010 Blue Ribbon School by the Department of Education. Eureka Elementary has worked hard to achieve this prestigious honor, and I am proud to congratulate Principal Andy Heintzleman, the staff, and the students of Eureka on their success.

The Blue Ribbon Award for improving schools is given to schools that show dramatic improvements in achievement for disadvantaged students. These schools are leaders in education reform and sharing best practices, helping to disseminate information that can be used to improve education across the country. The Blue Ribbon Flag that will now fly over Eureka Elementary School will stand as a beacon to schools throughout the Nation—a signal of the power of education to change lives and unlock the potential in every child.

Eureka Elementary has shown us all what teachers and students can accomplish with dedication, collaboration, and hard work, and I am confident that they will build on this award both within their own community and to assist other schools in achieving such a high standard. I congratulate Eureka and its community again on their momentous achievement, and I look forward to seeing them lead the way in educating our Nation's children for generations to come.

HONORING MR. HAWLEY SMITH

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today in honor of a long-time friend, Mr. V. Hawley Smith who is celebrating his ninetieth birthday this month in La Grange, Georgia. For as long as I have known him, Mr. Smith has been tirelessly devoted to his community, church, and family.

Throughout the years, he has served Troup County in many different positions, and I'd like to mention a few that I know are most important to him. Mr. Smith was the first elected Chairman of the Troup County Board of Commissioners, and he remained in that position for twelve years. He helped to shape many other organizations like The Georgia Heart Clinic, West Georgia Tech Foundation, Troup County Chapter of the American Red Cross, and West Georgia Youth Council—just to name a few. Notably, Mr. Smith is the longest continuous member of the Optimist Club in the State of Georgia, and he is still active today. He also served as President of the Association of County Commissioners of Georgia, Chairman of the Georgia Environmental Facilities Authority, Vice-Chairman of the Georgia Chamber of Commerce, and Vice President of the Citizens and Southern National Bank. The list of leadership positions is nearly a page long, which is a testament to how much Mr. Smith cares for his community.

He has likewise given countless hours to First United Methodist Church of LaGrange—where he was as a member of the Building Committee, the Board of Stewards and served as the Treasurer and Trustee. His kindness and willingness to help others also led him to become the Director of The Harbor Incorporated, a home for the Christian rehabilitation of alcoholics.

He was married to Ercil Trussell Smith for fifty-four years until her death in 1996. They have three children, seven grandchildren, and eight great grandchildren, all of whom he is extremely proud. A constant family man, Mr. Smith has always tried to provide the best educational environment for his children, whether that meant serving as the Neighborhood Commissioner for the Boy Scouts or working on the Board of Trustees for Rosemont Elementary School.

Madam Speaker, as you can see, Mr. Smith is a compassionate and selfless father, husband, and community member. I want to wish him a very happy ninetieth birthday and thank him for his unwavering service to both Troup County and the great State of Georgia.

TRAINING AND RESEARCH FOR AUTISM IMPROVEMENTS NATIONWIDE ACT OF 2010

SPEECH OF

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. DOYLE. Mr. Speaker, I submit for the record the following revised CBO estimate for H.R. 5756.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 5756—Training and Research for Autism Improvements Nationwide Act of 2010

SUMMARY

H.R. 5756 would authorize the appropriation of funds for two types of grants. The first type of grant would go to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to provide training, continuing education, technical assistance, and information to children and adults on the autism spectrum, as well as the families of such individuals and the professionals working with those individuals. The goal of the funds would be to improve services provided to individuals on the autism spectrum and their families. The second type of grant would facilitate outreach of University Centers for Excellence to minority institutions.

CBO estimates that implementing the bill would cost $55 million over the 2011–2015 period, assuming appropriation of the necessary sums. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 5756 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 5756 for the 2011–2015 period is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION [1]						
National Training Initiative						
Grants and Technical Assistance:						
Authorization Level	0	17	17	17	17	68
Estimated Outlays	0	3	13	18	18	52
Capacity Building Grants:						
Authorization Level	0	1	1	1	1	4
Estimated Outlays	0	*	1	1	1	3
Total Changes:						
Authorization Level	0	18	18	18	18	72
Estimated Outlays	0	3	14	19	19	55

[1] The legislation also would authorize funding for fiscal year 2016.

Note.—*= less than $500,000.

BASIS OF ESTIMATE

H.R. 5756 would authorize appropriations for two different grants. The first type of grant would go to University Centers for Excellence. This grant would be used to improve services provided to people on the autism spectrum and their families by providing training, continuing education, technical assistance, and information to those people, as well as to the professionals working with such individuals. The bill would authorize the appropriation of $17 million per year over the 2012–2016 period.

The second type of grant would go to as many as four University Centers for Excellence. These grants would be used to foster collaboration with minority institutions geared toward providing services for and conducting research and education on racial and ethnic minorities on the autism spectrum, as well as to assist those institutions to establish their own University Centers for Excellence. The bill would authorize the appropriation of $1 million per year over the 2012–2016 period.

For this estimate, CBO assumes that H.R. 5756 will be enacted this year, that amounts authorized and estimated to be necessary will be appropriated for each fiscal year, and that outlays will follow historical spending patterns for similar programs.

PAY-AS-YOU-GO CONSIDERATIONS: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 5756 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would benefit public institutions of higher education that provide services and education to individuals with autism spectrum disorders and their families.

Estimate prepared by: Federal Costs: Jonathan Morancy; impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; impact on the Private Sector: Sarah Axeen.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

HONORING THE LIFE AND WORK OF CIVIL RIGHTS PIONEER CONSTANCE BAKER MOTLEY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DELAURO. Madam Speaker, I rise to honor the life of achievements of Judge Constance Baker Motley, a passionate and pathbreaking heroine of the civil rights movement and a native of my hometown of New Haven.

As my esteemed colleague, Representative JOHN L. LEWIS, remembered her: "In the heart of the American South, during the early days of the Civil Rights Movement in the late 50s and 60s, there were only two lawyers that made white segregationists tremble and gave civil rights workers hope—Constance Baker Motley and Thurgood Marshall." And, indeed, after a youth in New Haven and an education at Fisk University, Motley served as Marshall's right-hand woman, progressing from his law clerk to one of the NAACP's top lawyers, and

helping Marshall to craft the winning case in Brown v. Board of Education.

The landmark Brown victory in 1954 would be the capstone of many careers, but for Judge Motley, it was just the beginning. Indeed, her story is a litany of firsts—She was the first African American woman to represent the NAACP in court, and would win nine out of ten cases she argued before the Supreme Court, including the famous case of James Meredith against the University of Mississippi. In 1964, she became the first African-American woman elected to the New York State Senate. In 1965, she became the first woman to serve as Manhattan borough president and to sit on the New York Board of Estimate. And in 1966, upon appointment to the U.S. District Court for the Southern District of New York, she became the first African-American woman in our history to serve as a federal judge.

In short, Judge Motley, who sadly passed away in 2005, is a historic figure, not just in the life of New Haven but in the life of our nation. And I am very glad to see that she will be inducted on to the New Haven Freedom Trail at the end of this month. Her story is testament not only to the tumultuous struggles for equal rights, freedom, and tolerance that characterized our American story in the 20th century, but a reminder to us all that, in America, one committed woman can make a difference.

I salute Judge Motley's many contributions, and I applaud the Amistad Committee for choosing to honor her this month.

RECOGNIZING ACHIEVEMENTS OF THE AMERICAN TENNIS ASSOCIATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to recognize the achievements of the American Tennis Association, the oldest African American sports organization in the United States.

On November 30, 1916, the ATA was founded by a group of African American businessmen, college professors and physicians, when segregation prohibited them from joining the existing United States Lawn Tennis Association. Though it was founded to help more African American youngsters learn to love tennis, it now welcomes people of all backgrounds. The ATA has produced some of the world's top players, including Althea Gibson and Arthur Ashe, the first African Americans to be ranked number one and to win Grand Slam titles.

This proud tradition continues today, in young players such as Pierre Craig III of Dallas. He has placed in several national tennis tournaments, including winning first place doubles at the 2009 ATA Nationals in the Boys 12 division, and second place in the singles. He is supported by his father, Pierre II, who is the Director of Tennis and Head Tennis Professional at the Oakridge Country Club and his mother, Juevette.

Madam Speaker, I am pleased to honor the American Tennis Association and its members, and wish them the best for their 2010 National Tournament.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. LOWEY. Madam Speaker, I regrettably missed Rollcall votes on September 22, 2010. Had I been present, I would have voted in the following manner:

Rollcall No. 532: "yea."

Rollcall No. 533: "yea."

REMEMBERING 9/11

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. RANGEL. Madam Speaker, I rise today to support House Resolution 1610 commemorating the tragic loss of lives on September 11, 2001. I commend Representative HOYER and Representative BOEHNER for taking the initiative on this important bill and I wholeheartedly join in embracing the sentiments contained therein.

The morning of September 11, 2001, is indelibly imprinted in the hearts and minds of all Americans. Nine years later, our country is still mourning the 2752 innocent lives lost.

In the midst of the horrific attacks on American soil, we also witnessed boundless bravery, selfless sacrifice and heartfelt humanity. On September 11 we saw everyday Americans become heroes—ordinary men and women who, under exceptional circumstances, acted extraordinarily. We remember the pedestrians on streets near the Trade Center Towers offering their assistance at extreme peril. We remember the passengers and crew aboard United Airlines Flight 93, saving the lives of countless others at the expense of their own. We remember the acts of support from our allies at home and abroad.

In the aftermath of 9/11, we remain resolute in our commitment to defeating al-Qaeda and the Taliban. Our Armed Forces abroad are at the ready to defend us from further terrorist attacks. Let us be clear—we are not fighting against Islam; we are fighting against extremists who threaten to destroy our lives and freedoms.

We have not and we will not surrender to fear, violence and extremist acts. We have stood up for and will continue to stand up for our American values of liberty, justice and tolerance.

NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. CROWLEY. Madam Speaker, today I would like to recognize the good work that Hispanic-Serving Institutions are doing both in New York City and across the country. The week of September 19, 2010 was designated as National Hispanic-Serving Institutions Week under H. Res. 1611, a resolution of which I was proud to be a cosponsor.

New York City is home to a number of world-class educational institutions, many of which have been designated as Hispanic-Serving Institutions. Over 10,000 students from my district alone attend Hispanic-Serving Institutions in Queens and the Bronx, including Bronx Community College, the College of Mount Saint Vincent, Hostos Community College, LaGuardia Community College, Lehman College, Mercy College and Vaughn College of Aeronautics and Technology. I have had a chance to visit many of these colleges and know firsthand not only the quality education they provide, but also the valuable services they provide as centers of the community.

Hispanics are the youngest and fastest-growing ethnic population group in the nation, and play a major role in maintaining our country's global competitiveness and contributing to our national culture. However, nationally, Hispanic students graduate at lower rates than non-Hispanic students with similar academic backgrounds. We need a strong education system to prepare Hispanic students to enter the workforce, and Hispanic-Serving Institutions are ideally suited to address the needs of this population.

We particularly need to ensure further involvement of Hispanic students in the science, technology, engineering, and mathematics fields, where they have been historically underrepresented. During consideration of the original America COMPETES Act in 2007, I was proud to champion the creation of a grant program for Hispanic-Serving Institutions to strengthen and develop their undergraduate science, technology, engineering, and mathematics degree programs.

This program will help educate and train a new generation of experts in the science, technology, engineering and mathematics areas. By engaging Hispanic-Serving Institutions, who serve the majority of the two million Hispanic students enrolled in college today, we are able to reach out to and involve more of the Hispanic educational community.

This Congress has enacted legislation to make college more accessible by improving the way our student loan system works for students and families. However, there is much more we need to do to ensure all students have a chance to achieve the American Dream. We need to continue supporting Hispanic-Serving Institutions and encouraging the vital work they are doing for millions of American students. I am pleased to join Representative GRIJALVA and the rest of my colleagues in this fight.

HONORING THE CAREER AND ACHIEVEMENTS OF DOMINIC DIFRANCESCO, II

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HOLDEN. Madam Speaker, I rise today to recognize Dominic "Nick" DiFrancesco, II, a constituent and friend, who, on August 25, 2010, held his last public meeting as a Dauphin County Commissioner. That public meeting marked the end of a lifetime of public service.

Nick's political career began in 1992, when he was elected as the youngest council president in the history of Highspire Borough. In

this capacity, Nick's priorities included improving roadways and rehabilitating the municipal buildings and public facilities. In 1996, Nick was elected as a Lower Swatara Township Commissioner, serving as the Chairman of the Lower Swatara Police Committee and as Secretary and Treasurer of the State Association of Township Commissioners. During this time Nick played an instrumental role in the formation of the Modem Transit Partnership.

Nick's service with the Dauphin County Board of Commissioners began with his election in November of 2003. He was overwhelmingly reelected to a second term four years later. As Vice-Chairman of the Board, Nick served as the oversight commissioner for many of the county's important functions. He successfully guided the complicated sale of the Spring Creek Health Care Rehabilitation Center, and directed the county's emergency response during numerous tragedies. During his tenure, Nick led the Wellness Committee, spearheaded the annual Ride to Work Day, and partnered with the Salvation Army to host their Red Kettle campaign during the holidays.

His leadership earned him and his fellow board members the ''Government Leader of the Year'' Award in 2006 from the Harrisburg Regional Chamber and CREDC. Nick also won the ''People's Choice'' for Public Servant of the Year by Harrisburg Magazine in 2008. I consider myself fortunate to have been able to collaborate with Nick on projects such as the Family Group Conferencing Center for the Dauphin County Social Services, modernizing the Harrisburg International Airport, and making improvements and upgrades to crucial roads and bridges throughout Dauphin County.

I would like to congratulate Nick DiFrancesco on his lifetime of public service and thank him for his outstanding citizenship in the community.

COMMEMORATING HUNGER ACTION MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to commemorate Hunger Action Month and to honor the Arlington Food Assistance Center, which is located in my Congressional District.

Hunger Action Month was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention. The Arlington Food Assistance Center's sole mission is to feed the hungry. This important action allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, many of our local residents do not have enough to eat. The Arlington Food Assistance Center seeks to remedy this problem by distributing bread, vegetables, meat, milk, eggs, and other food items to those in Arlington who are in need. AFAC obtains surplus food at no cost from local bakeries, supermarkets, farmer's markets, food drives and private donors. Each week, families with one to three members receive one bag of food and families of four members or more receive two bags of food—amounts that are expected to supplement a week's meals.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week.

IN HONOR OF THE CITY OF IRVING'S SUCCESSFUL USE OF THE LEAN SIX SIGMA PROGRAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize the city of Irving for its successful use and implementation of the Lean Six Sigma Program.

Understanding the need for a more responsive and efficient government, the city of Irving became the first municipality in the State of Texas, and second in the country, to holistically utilize the Lean Six Sigma Program citywide. Irving initiated this program in October 2007 and expanded it citywide in its efforts to streamline and improve the efficiencies of city operations and staffing structures. The city's emphasis to improve overall customer satisfaction underscores their attentiveness to the concerns of Irving residents and businesses and working diligently to address those issues, making the great city of Irving a better place to live and work.

I commend the city of Irving for its innovative thinking and actively seeking new ways to better serve the needs of residents, visitors, and businesses. Madam Speaker, I ask my esteemed colleagues to join me in recognizing the city of Irving for its successful implementation of the Lean Six Sigma Program.

HONORING THE LIFE OF LT. VERNON J. BAKER, U.S. ARMY CONGRESSIONAL MEDAL OF HONOR RECIPIENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. RANGEL. Madam Speaker, it brings me sadness and honor to pay final tribute to LT Vernon J. Baker, United States Army. He passed away on Tuesday, July 13, 2010, at the age of 90, due to complications of brain cancer at his home near St. Manes, Idaho. He will be laid to rest at Arlington National Cemetery on September 24, 2010.

Vernon Baker, a black U.S. soldier, belatedly received the Medal of Honor for his World War II battlefield valor after historians concluded he had been wrongly denied the military's top award because of racial prejudice.

Baker, who was born in 1919 in Cheyenne, Wyoming, and orphaned as a small child, was raised by his grandparents in Cheyenne. While working as a railroad porter, he decided to join the U.S. Army in mid-1941, a few months before Pearl Harbor. At his first attempt to enlist, in April 1941, he was turned away, the recruiter stating ''We don't have any quotas for you people.'' Undaunted, he tried again weeks later with a different recruiter and was accepted. He requested to become a quartermaster but was instead assigned to the infantry.

In 1944, Second Lieutenant Baker was sent to Italy with a full platoon of 54 men, assigned to the all-black 92nd Infantry Division. Despite being wounded in the arm in October of that year and hospitalized near Pisa, he rejoined his unit in reserve along the Gothic Line in December.

On April 5, during his company's attack against a strongly entrenched enemy in mountainous terrain near Viareggio, Italy, his company was stopped by the concentration of fire from several machine gun emplacements. He crawled to one position and destroyed it, killing three Germans. Continuing forward, he attacked an enemy observation post and killed two occupants. With the aid of one of his men, Lieutenant Baker attacked two more machine gun nests, killing or wounding the four enemy soldiers occupying these positions. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing the enemy's fire. In all, Baker and his platoon killed 26 Germans and destroyed six machine gun nests, two observer posts, and four dugouts.

After the end of the war, Baker remained in Europe with the Allied occupation forces until 1947. He later joined the Army Airborne forces and left the military in 1968 as a first lieutenant. It was after these years of service that Baker returned to his northern Idaho home.

President Bill Clinton presented the Medal of Honor, the nation's highest award for battlefield valor, to Baker in 1997. He was one of just seven black soldiers to receive it and the only living recipient. The other six soldiers received their awards posthumously.

Due to the racial and social strife prevalent in the 1940s, no black soldiers were awarded the Medal of Honor during World War II, although, Baker did receive the Purple Heart, a Bronze Star and Distinguished Service Cross. Reflecting on life in a segregated Army unit, Baker told The Washington Post, ''I was an angry young man. We were all angry. But we had a job to do, and we did it.'' He added that he ''knew things would get better, and I'm glad to say that I'm here to see it.''

Baker's actions on the front line demonstrated better than words can describe why discrimination and segregation in the military was both unfair and absolutely inconsistent with an effective fighting force. He demonstrated a degree of courage few people have. ''He was prepared to give his life for his country—a country in which he was considered a second-class citizen,'' said U.S. Representative WALT MINNICK.

Vernon J. Baker was a great American hero who will forever be remembered as someone who overcame unfair barriers and prejudice to change the course of history. He will be greatly missed; however, his legacy will live on as a source of inspiration for generations to come. I extend my sincere condolences to his family in the wake of this tremendous loss and share their enormous pride in all that he accomplished.

IN MEMORIAM: FIRST LIEUTENANT MARK NOZISKA

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FORTENBERRY. Madam Speaker, last Friday, 24-year old Army First Lieutenant Mark Noziska was laid to rest at West Lawn Memorial Park Cemetery in Grand Island, Nebraska. He was killed on August 30 near Malajat, Afghanistan, following an IED attack on his patrol. His decorations include the Bronze Star, Purple Heart, and Army Commendation Medal.

Lieutenant Noziska was born in Grand Island, and attended high school in Papillion. He enlisted in the Army National Guard in March 2004, before he graduated from high school that year. He was named Nebraska Soldier of the Year in 2005, and after graduating from the University of Nebraska-Omaha in 2008, earned his commission. His love of Husker football was well-known among his family and friends, many of whom wore ''Husker Red'' to his funeral. He also loved the Army. He planned a lifelong career of service to our nation, and hoped to one day become a General.

While Lieutenant Noziska's life was tragically cut short, it is clear that he touched and inspired so many of those around him, including the many people from the local community who lined the streets to honor his service and memory. May God bless Lieutenant Noziska and his family, and all our Nation's fallen soldiers.

HONORING RESIDENTS OF THE CITY OF COUNTRYSIDE, ILLINOIS ON THEIR 50TH ANNIVERSARY AS A CITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor the residents of Countryside, Illinois, a city in my district that is celebrating its 50th anniversary.

The first settlers came to Countryside in the early 19th century. Joseph Vial and his family are credited with being some of the first to reach the area in 1833. The rich land provided for a rural farming community that remained quietly productive for decades. The Great Chicago Fire of 1871 resulted in the first population boom in Countryside, as city dwellers began to move outside of Chicago to less congested areas.

Despite the influx of new residents, Countryside maintained a quiet and peaceful community through the end of World War II, when the second population boom hit the city. Affordable land enticed urbanites to build new homes in many suburbs like Countryside. The area provided a tranquil community where families could raise and educate their children.

In 1960, the City of Countryside was officially incorporated with a population of about 2,000. The city has since grown to almost 6,000 residents, yet still maintains its charm and remains a close-knit community perfect for raising families.

On Saturday, September 25th, I will be joining Mayor Robert Conrad and hundreds of families in Countryside for the city's 50th Anniversary Party in the Park. Today, I ask you to join me in honoring the residents of Countryside, Illinois on their 50th anniversary as a city. May they continue to thrive and be a welcoming community for families and visitors.

OBSERVING THE 5TH ANNIVERSARY OF HURRICANE KATRINA—H. RES. 1577

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H. Res. 1577, a bill observing the fifth anniversary of the date on which Hurricane Katrina devastated the Gulf Coast. I thank Congressman ANH JOSEPH CAO for introducing this bill to give us the opportunity to honor and remember the 1,822 lives lost on that fateful day. We also salute the dedicated volunteers who assisted those affected by the storm and aided efforts to rebuild the affected Gulf region.

We celebrate and commemorate the progress made by New Orleans as rebuilding continues and recovery moves forward. The New Orleans Metropolitan area has recovered more than 90 percent of its population and 85 percent of its jobs since the flooding occurred, moving unemployment in the area below the national average.

However, we must not forget that despite these successes, the Gulf Coast still faces challenges that must be addressed. Thousands of residents of the Gulf Coast remain displaced; some are homeless. We will overcome these challenges if we remain strong and unified. President Obama appropriately has reminded us that the legacy of Katrina must be ''not one of neglect, but of action; not one of indifference, but of empathy; not of abandonment, but of a community working together to meet shared challenges.'' Indeed, as we observe this fifth anniversary of Hurricane Katrina, we are encouraged to persevere and remain strong.

HONORING COLMAN McCARTHY FOR HIS LEGACY OF PEACE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise to honor a courageous and inspirational peace educator and writer, Colman McCarthy.

For over nearly 30 years, I read his columns in the Washington Post constantly pushing for the nonviolent resolution of conflicts, focusing on human security rather than national security. He left the Op-Ed page of the Washington Post in 1997 but he is still sorely missed.

Colman is a man motivated by his focus on the underserved, the forgotten, and the poor. He is guided by a commitment to the justice and equality of all of God's children and the blessed natural environment that too often our modern society forgets.

He has stood up against senseless wars, echoing Dr. King's approaches to conflict and the tremendous devastation it causes from the lives lost, countless wounded, millions of families broken, refugees created, communities destroyed, and unfathomable sums of money wasted.

Colman continues to be a clarion voice against many kinds of violence, including violence and the inhumane treatment of animals.

Three decades ago, Colman was writing regularly about the mistreatment of animals. In 2008, the Humane Society of the United States published his writings in a book entitled: At Rest with the Animals. Wayne Pacelle, president and CEO of The Humane Society of the United States had this to say: ''The book showcases the extraordinary breadth of Colman's examination of animal questions. As we revisit his assembled writings, we can see it was not uncommon for him to provide an original moral framing of issues we've now come to debate in society in a serious way.''

Some of the advances that we have made in recent years on these issues, from banning puppy mills to outlawing animal crush videos, have stood on the shoulders of Colman writings and advocacy.

We are blessed to have Colman McCarthy and his leadership pointing the way to a peaceful future. As a man of unquestioned integrity, he has taught thousands of youth about nonviolence in many of our local schools.

Madam Speaker, Colman deserves our praise and respect for his decades of service. He recently received the El-Hibri Peace Education Prize, established by Fuad and Nancy El-Hibri, which is given each year to an outstanding individual or organization who has demonstrated successful and innovative approaches to promoting peace and social justice globally.

I'm proud to honor Colman today and will continue giving voice to his message of peace and cooperation through my role as a Member of Congress.

IN RECOGNITION OF LEUKEMIA AND LYMPHOMA SOCIETY MICHIGAN CHAPTER'S TENTH ANNUAL LIGHT THE NIGHT WALK

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize The Leukemia and Lymphoma, LLS, Society Michigan Chapter on the eve of its tenth annual ''Light the Night'' walk in Michigan. As a Member of Congress, it is my honor to recognize the Michigan Chapter of LLS for its decades of work to help find a cure for these devastating illnesses.

The Leukemia and Lymphoma Society is a leading organization in the fight to find a cure for blood cancer diseases. Since its inception in 1949, LLS has been a significant resource by supporting blood cancer research with almost $600 million in finding, providing counseling and informational services to over 100,000 patients and family members who have been confronted with these diseases and providing the resources necessary for blood cancer patients to seek treatment for their illnesses. In addition to these services, LLS has

also been a key organization in raising awareness of blood cancer and how blood cancer affects the lives of not only patients, but also their family, friends, and co-workers. One such awareness-raising event is the LLS' annual Light the Night walk to find a cure to blood cancers.

Each year, in communities across the country, thousands of supporters, gather to walk in Light the Night to shine a light into the darkness of battling cancer. The passion and support of Michigan residents who come out to Light the Night ensures that resources are available to researchers, support services for LLS Michigan Chapter's Family Support Groups and First Connection peer-to-peer counseling program, and increased availability of specialized assistance through LLS' Information Resource Center.

Madam Speaker, I ask my colleagues to join me today to recognize the Leukemia and Lymphoma Society Michigan Chapter as its members hold its tenth annual Light the Night walk to raise awareness and support for treating blood cancer. I look forward to the day this walk can celebrate a cure for these devastating diseases and provide much needed relief to victims of blood cancers.

Daily Digest

HIGHLIGHTS

House Committees order reported 38 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S7367–S7435

Measures Introduced: Ten bills and five resolutions were introduced, as follows: S. 3829–3838, and S. Res. 639–643. **Pages S7420–21**

Measures Reported:

S. 2971, to authorize certain authorities by the Department of State, with an amendment in the nature of a substitute. (S. Rept. No. 111–301)

S. 3581, to implement certain defense trade treaties, with an amendment in the nature of a substitute. (S. Rept. No. 111–302)

S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005, with an amendment in the nature of a substitute.

S. 3767, to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated, with an amendment in the nature of a substitute. **Page S7420**

Measures Passed:

Federal Aviation Administration Extension Act: Senate passed H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, after agreeing to the following amendment proposed thereto: **Page S7388**

Dorgan (for Rockefeller) Amendment No. 4656, in the nature of a substitute. **Page S7389**

World Veterinary Year: Committee on the Judiciary was discharged from further consideration of S. Res. 583, expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S7426**

Dorgan (for Ensign) Amendment No. 4657, to amend the resolving clause. **Page S7426**

United States Engagement with ASEAN: Senate agreed to S. Res. 640, expressing the sense of the Senate regarding United States engagement with ASEAN and its member-states. **Pages S7426–27**

5th Anniversary of Hurricane Rita: Senate agreed to S. Res. 641, observing the 5th anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas. **Pages S7426–27**

25th Anniversary of the National Institute of Nursing Research: Senate agreed to S. Res. 642, congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary. **Pages S7426–27**

National Nurse-Managed Health Clinic Week: Senate agreed to S. Res. 643, designating the week beginning October 3, 2010, as ''National Nurse-Managed Health Clinic Week''. **Pages S7426–27**

Measures Considered:

National Mediation Board: Senate began consideration of the motion to proceed to consideration of S.J. Res. 30, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures. **Pages S7370–83**

During consideration of this measure today, Senate also took the following action:

By 43 yeas to 56 nays (Vote No. 239), Senate rejected the motion to proceed to consideration of the bill. **Page S7383**

DISCLOSE Act: Senate resumed consideration of the motion to proceed to consideration of S. 3628, to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and

During consideration of this measure today, Senate also took the following action:

Pursuant to the order of September 22, 2010, the motion to reconsider the vote by which cloture was not invoked on July, 27, 2010, was agreed to. **Page S7383**

By 59 yeas to 39 nays (Vote No. 240), three-fifths of those Senators duly chosen and sworn, having not voted in the affirmative, Senate upon reconsideration rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7388**

Appointments:

Public Safety Officer Medal of Valor Review Board: The Chair, on behalf of the Vice President, pursuant to Public Law 107–12, appointed the following individuals as members of the Public Safety Officer Medal of Valor Review Board:

Charles Massarone of Kentucky and Andy Nimmo of Missouri. **Page S7427**

Federal Law Enforcement Congressional Badge of Bravery Board: The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appointed the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board:

Richard Gardner of Nevada. **Page S7427**

State and Local Law Enforcement Congressional Badge of Bravery Board: The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appointed the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board:

Nick DiMarco of Ohio. **Page S7427**

Nominations Received: Senate received the following nominations:

William R. Brownfield, of Texas, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

Matthew Maxell Taylor Kennedy, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

Kurt Walter Tong, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum.

Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States for a term of fifteen years.

3 Air Force nominations in the rank of general.

6 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, and Navy. **Pages S7428–35**

Messages from the House: **Pages S7417–18**

Measures Referred: **Page S7418**

Measures Placed on the Calendar: **Page S7418**

Enrolled Bills Presented: **Page S7418**

Executive Communications: **Pages S7418–20**

Executive Reports of Committees: **Page S7420**

Additional Cosponsors: **Pages S7421–22**

Statements on Introduced Bills/Resolutions: **Pages S7422–24**

Additional Statements: **Pages S7416–17**

Amendments Submitted: **Pages S7424–25**

Authorities for Committees to Meet: **Page S7425**

Privileges of the Floor: **Pages S7425–26**

Record Votes: Two record votes were taken today. (Total—240) **Pages S7383, S7388**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:45 p.m., until 9:30 a.m. on Friday, September 24, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7428.)

Committee Meetings

(Committees not listed did not meet)

EPA REGULATION ON AGRICULTURE

Committee on Agriculture, Nutrition, and Forestry: Committee concluded an oversight hearing to examine the impact of EPA regulation on agriculture, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency; Rich Hillman, Arkansas Farm Bureau, Carlisle; Jay Vroom, CropLife America, Washington, D.C.; and Jere White, Kansas Corn Growers Association, Barnett, on behalf of the Kansas Grain Sorghum Producers.

FEDERAL HOUSING ADMINISTRATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Federal Housing Administration, focusing on current conditions and future challenges, after receiving testimony from David H. Stevens, Assistant Secretary for Housing, and Commissioner, Federal Housing Administration, Department of Housing and Urban Development; and Matthew J. Scire, Director, Financial Markets and Community Investment, Government Accountability Office.

BUSINESS MEETING

Committee on the Budget: Committee ordered favorably reported the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

NATIONWIDE PUBLIC SAFETY NETWORK

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the need for a nationwide public safety network, including S. 3756, to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, after receiving testimony from James Arden Barnett, Jr., Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mayor Annise D. Parker, Houston, Texas; Robert L. Davis, San Jose Police Department Chief, San Jose, California, on behalf of the Major Cities Chiefs Association (MCC); Steve McClure, West Virginia Emergency Medical Services, Ripley; Jeffrey D. Johnson, International Association of Fire Chiefs, Salem, Oregon; and Kenneth J. Zdunek, Roberson and Associates, LLC, Chicago, Illinois.

DEPARTMENT OF ENERGY'S LOAN GUARANTEE PROGRAM

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the Department of Energy's Loan Guarantee Program and its effectiveness in spurring the near-term deployment of clean energy technology, after receiving testimony from Jonathan Silver, Executive Director, Loan Programs Office, Department of Energy; Timothy Newell, U.S. Renewables Group, Santa Monica, California; Jens Meyerhoff, First Solar, Tempe, Arizona; Michael D. Scott, Miller Buckfire & Co., LLC, New York, New York; and Marvin S. Fertel, Nuclear Energy Institute (NEI), Washington, D.C.

TAX REFORM

Committee on Finance: Committee concluded a hearing to examine tax reform, focusing on lessons from the Tax Reform Act of 1986, after receiving testimony from former Democratic Leader of the House of Representatives Dick Gephardt; former Representative William R. Archer, Jr.; John E. Chapoton, Brown Advisory, Washington, D.C.; and Randall D. Weiss, Conference Board, New York, New York.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Cameron Munter, of California, to be Ambassador to the Islamic Republic of Pakistan, Department of State, after the nominee testified and answered questions in his own behalf.

WATER AND SECURITY CHALLENGES IN SOUTHEAST ASIA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine challenges to water and security in Southeast Asia, after receiving testimony from Joseph Yun, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; Richard P. Cronin, Stimson Center, and Dekila Chungyalpa, World Wildlife Fund, both of Washington; and Aviva Imhof, International Rivers, Berkeley, California.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005, with an amendment in the nature of a substitute; and

The nominations of Subra Suresh, of Massachusetts, to be Director of the National Science Foundation, Mary Minow, of California, to be a Member of the National Museum and Library Services Board, Julie Reisken, of Colorado, Joseph Pietrzyk, of Ohio, and Harry Korrell III, of Washington, all to be a Member of the Legal Services Corporation Board, and Pamela Young-Holmes, of Wisconsin, to be a member of the National Council on Disabilities.

Also, Committee announced the following subcommittee assignments:

Subcommittee on Children and Families: Senators Dodd (Chair), Bingaman, Murray, Reed, Sanders, Casey, Hagan, Merkley, Bennet, Alexander, Gregg, McCain, Hatch, Murkowski, Coburn, and Roberts.

Subcommittee on Employment and Workplace Safety: Senators Murray (Chair), Dodd, Mikulski, Hagan, Merkley, Franken, Bennet, Goodwin, Isakson, Gregg, Burr, McCain, Hatch, and Murkowski.

Subcommittee on Retirement and Aging: Senators Mikulski (Chair), Bingaman, Reed, Sanders, Casey, Franken, Goodwin, Burr, Gregg, Alexander, Isakson, and Coburn.

Senators Harkin and Enzi are ex-officio members of the subcommittees.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 3767, to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated, with an amendment in the nature of a substitute; and

The nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Alaine Howell, and Robert Leon Wilkins, both to be United States District Judge for the District of Columbia, Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, and William C. Killian, to be United States Attorney for the Eastern District of Tennessee, Robert E. O'Neill, to be United States Attorney for the Middle District of Florida, Albert Najera, to be United States Marshal for the Eastern District of California, William Claud Sibert, to be United States Marshal for the Eastern District of Missouri, Myron Martin Sutton, to be United States Marshal for the Northern District of Indiana, David Mark Singer, to be United States Marshal for the Central District of California, Steven Clayton Stafford, to be United States Marshal for the Southern District of California, and Jeffrey Thomas Holt, to be United States Marshal for the Western District of Tennessee, all of the Department of Justice.

VETERANS' AFFAIRS DISABILITY COMPENSATION

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making, after receiving testimony from Eric K. Shinseki, Secretary, and Anthony J. Principi, former Secretary, St. Michaels, Maryland, both of the Department of Veterans Affairs; Linda Birnbaum, Director, National Institute of Environmental Health Sciences, and Director, National Toxicology Program, and Diane Bild, Associate Director for Prevention and Population Sciences, Division of Cardiovascular Sciences, National Heart, Lung, and Blood Institute, both of the National Institutes of Health, Department of Health and Human Services; and Jonathan M. Samet, University of Southern California Keck School of Medicine, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 6190–6217; and 10 resolutions, H.J. Res. 97; and H. Res. 1651–1659, were introduced. **Pages H6988–89**

Additional Cosponsors: **Pages H6989–91**

Report Filed: A report was filed today as follows:

H.R. 5815, to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena the attendance and testimony of witnesses, and for other purposes, with amendments (H. Rept. 111–623). **Page H6988**

Question of Privilege: The Chair ruled that the resolution offered by Representative Price (GA) did not constitute a question of the privileges of the House. Subsequently, Representative Price (GA) appealed the ruling of the chair and Representative Hastings (FL) moved to table the appeal. Agreed to the motion to table the appeal of the ruling of the Chair by a yea-and-nay vote of 236 yeas to 172 nays, Roll No. 534. **Pages H6899–H6902**

Suspensions—Failed: The House failed to suspend the rules and pass the following measures which were debated on Wednesday, September 22nd:

Casa Grande Ruins National Monument Boundary Modification Act of 2010: H.R. 5110, amended, to modify the boundary of the Casa Grande Ruins National Monument, by a ⅔ yea-and-nay vote of 244 yeas to 174 nays, Roll No. 537 and **Pages H6903–04**

Sedona-Red Rock National Scenic Area Act of 2010: H.R. 4823, amended, to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, by a ⅔ yea-and-nay vote of 258 yeas to 160 nays, Roll No. 538. **Page H6904**

Privileged Resolution: The House agreed to H. Res. 1653, returning several measures to the Senate. **Page H6904**

Small Business Jobs and Credit Act of 2010: The House concurred in the Senate amendment to H.R.

5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses and to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, by a yea-and-nay vote of 237 yeas to 187 nays, Roll No. 539. **Pages H6905–39**

H. Res. 1640, the rule providing for consideration of the Senate amendment, was agreed to by a yea-and-nay vote of 226 yeas to 186 nays, Roll No. 536, after the previous question was ordered by a yea-and-nay vote of 230 yeas to 181 nays, Roll No. 535. **Pages H6886–91, H6902–04**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Improving Access to Clinical Trials Act of 2010: S. 1674, 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; **Pages H6891–96**

Renewing the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs: H.R. 6156, to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; **Pages H6896–98**

Amending the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act: H.R. 5307, amended, to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, by a ⅔ yea-and-nay vote of 412 yeas to 3 nays, Roll No. 540; **Pages H6898–99, H6939–40**

Agreed to amend the title so as to read: "To amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act.". **Page H6940**

Amending the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund: H.R. 6190, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend the airport improvement program; **Pages H6943–45**

Supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools: H. Res. 1560, to support the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; **Pages H6945–47**

Honoring and saluting Americans for the Arts on its 50th anniversary: H. Res. 1582, to honor and salute Americans for the Arts on its 50th anniversary; **Pages H6948–50**

Expressing support for designation of the week beginning on the third Monday in September as "National Postdoc Appreciation Week": H. Res. 1545, to express support for designation of the week beginning on the third Monday in September as "National Postdoc Appreciation Week"; **Pages H6950–51**

National Flood Insurance Program Reextension Act of 2010: S. 3814, to extend the National Flood Insurance Program until September 30, 2011; **Pages H6951–52**

Amending the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940: S. 3717, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); **Pages H6952–55**

Granting 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. 1055, 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; **Pages H6955–60**

Awarding a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty: S. 846, to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; **Pages H6960–63**

Allowing certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years to be converted to a permanent appointment in the competitive service: Concurred in the Senate amendment to H.R. 1517, to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and

whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; and

Pages H6963–65

Urging the people of the United States to observe National Preparedness Month: H. Res. 1618, to urge the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month. **Pages H6965–67**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, September 22nd:

Training and Research for Autism Improvements Nationwide Act: H.R. 5756, amended, to amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide for grants and technical assistance to improve services rendered to children and adults with autism, and their families, and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service, by a ⅔ yea-and-nay vote of 393 yeas to 24 nays, Roll No. 541; **Page H6940**

Agreed to amend the title so as to read: ''To amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes.''. **Page H6940**

Emergency Medic Transition Act of 2010: H.R. 3199, amended, to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, by a ⅔ yea-and-nay vote of 412 yeas to 5 nays, Roll No. 542; **Pages H6940–41**

Family Health Care Accessibility Act of 2010: H.R. 1745, amended, to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act, by a ⅔ yea-and-nay vote of 417 yeas to 1 nay, Roll No. 543; and **Page H6941**

National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010: H.R. 5710, amended, to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act, by a ⅔ yea-and-nay vote of 384 yeas to 32 nays, Roll No. 544. **Pages H6942–43**

Senate Messages: Messages received from the Senate today appear on pages H6891 and H6945.

Senate Referrals: S. 3828 was referred to the Committee on Energy and Commerce; S. 2906 and S. 1448 were referred to the Committee on Natural Resources. **Page H6985**

Quorum Calls—Votes: Eleven yea-and-nay votes developed during the proceedings of today and appear on pages H6901, H6902, H6902–03, H6903–04, H6904, H6938–39, H6939–40, H6940, H6941, H6941–42, and H6942. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:45 p.m.

Committee Meetings

U.S. CYBER COMMAND

Committee on Armed Services: Held a hearing on U.S. Cyber Command: Organizing for Cyberspace Operations. Testimony was heard from GEN Keith B. Alexander, USA, Commander Cyber Command, Department of Defense.

ORGANIZING MILITARY CYBER OPERATIONS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats, and Capabilities, hearing on Operating in the Digital Domain: Organizing the Military Departments for Cyber Operations. Testimony was heard from the following officials of the Department of Defense: VADM. Bernard J. McCullough III, USN, Commander, U.S. Fleet Cyber Command, U.S. 10th Fleet; LTG George J. Flynn, USMC, Deputy Commandant, Combat Development and Integration, U.S. Marine Corps; MG Rhett Hernandez, USA, Assistant Deputy Chief of Staff, U.S. Army; and MG Richard Webber, USAF, Commander, 24th Air Force and Air Force Network Operations, U.S. Air Force.

STUDENT ATHLETES' CONCUSSIONS

Committee on Education and Labor: Held a hearing on Protecting Student Athletes from Concussions Act. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following measures: H.R. 758, as amended, Pediatric Research Consortia Establishment Act; H.R. 1032, as amended, Heart Disease Education, Analysis Research, and Treatment for Women Act; H.R. 1210, as amended, Arthritis Prevention, Control, and Cure Act; H.R. 1230, as amended, Acquired Bone Marrow Failure Disease Research and Treatment Act; H.R. 1347, as amended, Concussion

Treatment and Care Tools Act of 2010; H.R. 1362, as amended, National Neurological Disease Surveillance System Act of 2010; H.R. 1995, as amended, Diabetes in Minority Populations Evaluation Act of 2010; H.R. 2408, as amended, Scleroderma Research and Awareness Act of 2010; H.R. 2818, as amended, Methamphetamine Education, Treatment, and Hope Act of 2010; H.R. 2941, as amended, To reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; H.R. 2999, as amended, Veterinary Public Health amendments Act of 2010; H.R. 5354, as amended, Gestational Diabetes Act of 2010; H.R. 5462, as amended, Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010; H.R. 5986, Neglected Infections of Impoverished Americans Act of 2010; H.R. 6012, as amended, To direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits; H.R. 6081, as amended, Stem Cell Therapeutic and Research Reauthorization Act of 2010; and H. Res. 1561, without recommendation, Directing the Secretary of Health and Human Services to transmit certain documents relating to documents prepared by the Centers for Medicare and Medicaid Services regarding the Patient Protection and Affordable Care Act.

COIN AND PRECIOUS METAL DISCLOSURE ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on H.R. 6149, Coin and Precious Metal Disclosure Act. Testimony was heard from Lois Greisman, Associate Director, Marketing Practices Division, Bureau of Consumer Protection, FTC; and public witnesses.

PIPELINE SAFETY OVERSIGHT/ LEGISLATION

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing entitled "Pipeline Safety Oversight and Legislation." Testimony was heard from Representative Schauer; Cynthia Quarterman, Administrator, Pipeline and Hazardous Materials Safety Administration; Christopher Hart, Vice Chairman, National Transportation Safety Board; and public witnesses.

LIVABLE COMMUNITIES ACT

Committee on Financial Services: Held a hearing entitled "Perspectives on the Livable Communities Act of 2010." Testimony was heard from Representatives Blumenauer and Sires; Bob Murphy, Mayor, Lakewood, Colorado; and public witnesses.

SECURITIES INVESTOR PROTECTION ACT LIMITATIONS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Assessing the Limitations of the Securities Investor Protection Act." Testimony was heard from Joseph Borg, Securities Commission, State of Alabama; and public witnesses.

EQUAL EMPLOYMENT FOR ALL ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 3149, Equal Employment for All Act. Testimony was heard from Representative Cohen; and public witnesses.

SECURING AMERICA'S TRANSPORTATION SYSTEMS

Committee on Homeland Security: Held a hearing entitled "Securing America's Transportation Systems: The Target of Terrorists and TSA's New Director." Testimony was heard from John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security.

FAIR ELECTIONS NOW ACT

Committee on House Administration: Ordered reported H.R. 6116, Fair Elections Now Act.

ELECTRONIC COMMUNICATIONS PRIVACY ACT REFORM

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights, and Civil Liberties held a hearing on ECPA and the Revolution in Cloud Computing. Testimony was heard from Thomas B. Hurbanek, Senior Investigator, Computer Crime Unit, State Police, State of New York; and public witnesses.

STATE/TRIBAL NONCOAL RECLAMATION PROJECT AUTHORITY

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 4817, To amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects. Testimony was heard from Representative Teague; Glenda Owens, Deputy Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior; Loretta Pineda, Director, Division of Reclamation, Mining and Safety, Department of Natural Resources, State of Colorado; and John Antonio, Governor, Pueblo of Laguna.

NATIONAL PARK PARTNERSHIPS

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing entitled ''The Role of Partnerships in National Parks.'' Testimony was heard from Daniel N. Wenk, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

STATE DEPARTMENT TRANSITION IN IRAQ

Committee on Oversight and Government Reform: Ordered reported followed by consideration of the following measures: H.R. 3243, To amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; H.R. 5367, as amended, D.C. Courts and Public Defender Service Act of 2010; H.R. 5702, To amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in the membership of the Council of the District of Columbia; H.R. 5368, as amended, United States Postal Service Inspectors Equity Act; H. Res. 1494, as amended, Congratulating the champion finalists, and all other participants in the 83rd Annual Scripps National Spelling Bee; H. Res. 1529, Commending Bob Sheppard for his long and respected career as the public-address announcer for the New York Yankees and the New York Giants; H. Res. 1603, Expressing support for designation of September 2010 as National Craniofacial Acceptances Month; H. Res. 1617, Supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; H.R. 4602, To designate the facility of the United States Postal Services located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office;'' H.R. 6118, as amended, To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE., in Washington, D.C., as the ''Dorothy I. Height Post Office Building''; S. 3567, A bill to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''; H.R. 6014, To designate the facility of the United States Postal Service located at 212 Main Street in Harman, Arkansas, as the ''M. R. 'Bucky' Walters Post Office''; H. Res. 1442, Supporting the goals and Ideals of United States Military Month; and H.R. 5877, To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building.''

The Committee also held a hearing entitled ''Transition in Iraq: Is the State Department Prepared to Take the Lead?'' Testimony was heard from the following officials of the Commission on Wartime Contracting in Iraq and Afghanistan: Michael J. Thibault, Co-Chairman; and Grant S. Green, Commissioner; and Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction.

NTSB'S RED LINE METRO CRASH REPORT

Committee on Oversight and Investigations: Subcommittee on Federal Workforce, Postal Service and the District of Columbia, held a hearing entitled ''Moving Forward After the NTSB Report: Making Metro a Safety Leader.'' Testimony was heard from Deborah A. P. Hersman, Chairman, National Transportation Safety Board; the following officials of the Washington Area Transit Authority; Catherine Hudgins, Board of Directors, First Vice Chairman; and Richard Sarles, Interim General Manager; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported, as amended, the following bills: H.R. 5866, Nuclear Energy Research and Development Act of 2010; and H.R. 6160, Rare Earths and Critical Materials Revitalization Act of 2010.

SCIENCE AND INNOVATION POLICY

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on The Science of Science and Innovation Policy. Testimony was heard from Julia Lane, Program Director, Science of Science and Innovation Policy, NSF; and public witnesses.

PUBLIC SAFETY RADIO INTEROPERABILITY

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Progress on P25: Furthering Interoperability and Competition for Public Safety Radio Equipment. Testimony was heard from Russ Sveda, Manager, Radio Technical Service Center, Department of the Interior; Tom Sorley, Deputy Director, Radio Communications Services, Information Technology Department, Houston, Texas; and public witnesses.

CONTRACTING PROCUREMENT PRACTICES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Veterans Health Administration Contracting and Procurement Practices. Testimony was heard from Debra A. Draper, Director,

Health Care, GAO; the following officials of the Department of Veterans Affairs: Belinda J. Finn, Assistant Inspector General, Audits and Evaluations; and Frederick Downs, Jr., Chief Procurement and Logistics Officer, Veterans Health Administration; and public witnesses.

BRIEFING—REORGANIZATION OF THE OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Reorganization of the Office of the Director of National Intelligence. The Committee was briefed by LTG James R. Clapper, Jr., USA (ret.), Director of National Intelligence.

BRIEFING—OUTSIDE EMPLOYMENT OF INTELLIGENCE COMMUNITY PROFESSIONALS

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management met in executive session to receive a briefing on Outside Employment of Intelligence Community Professionals. The Subcommittee was briefed by departmental witnesses.

BRIEFING—EXTREME WEATHER IN A WARMING WORLD

Select Committee on Energy Independence and Global Warming: Met to receive a briefing entitled ''Extreme Weather in a Warming World.'' The Committee was briefed by Thomas Peterson, Chief Scientist, National Climatic Data Center, NOAA, Department of Commerce; Husain Haqqani, Pakistan's Ambassador to the United States; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 24, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Financial Services, hearing entitled ''Executive Compensation Oversight after the Dodd-Frank Wall Street Reform and Consumer Protection Act,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Nuclear Cooperation and Non-proliferation after Khan and Iran: Are We Asking Enough of Current and Future Agreements? 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on Protecting America's Harvest, 9:30 a.m., 2141 Rayburn.

Committee on Ways and Means, to mark up the Chairman's Amendment in the Nature of a Substitute to H.R. 2378, Currency Reform for Fair Trade Act, 9:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Friday, September 24

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, September 24

House Chamber

Program for Friday: To be announced.

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