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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 26, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

''Rejoice in the Lord always, again I say rejoice.''

Here is another day of creation; another opportunity to serve God's people in this land of freedom.

By the Spirit, may the Lord lift us in prayer renewing our faith. Knowing that lasting goodness is discovered in the Lord alone; and human freedom is a gift given to all the children of God; may Congress give the Lord glory by accomplishing great deeds in His Holy Name.

In the process, may we encourage one another and live in harmony and peace both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the following title:

H. Con. Res. 211. Concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

F–35 JOINT STRIKE FIGHTER

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

Mr. ARCURI. Congress has supported a competitive acquisition for the F–35 Joint Strike Fighter engine for the last 14 years for good reason. The total program is expected to cost more than $100 billion over the next 30 to 40 years. The Government Accounting Office has concluded that competition between engine suppliers could provide a life-cycle cost savings of over 20 percent.

A competitive F–35 engine program would also reap other benefits such as increased reliability, improved contractor responsiveness, a more robust industrial base, and less chance to ground the entire fleet to fix a problem.

Chairman ANDREWS and Ranking Member CONAWAY of the bipartisan House Defense Acquisition Reform Panel have stated that annual engine competition will make both engines better and save taxpayers money—up to $21 billion based on the F–16 experience.

The development of the alternative engine is now nearly 75 percent complete. To pull the plug on this program would forfeit $3 billion in taxpayer funds that have already been spent.

Competition saves taxpayers money. It's been proven to on the other fighter engine program. Why would we write a blank check to a single supplier for 40 years?

REPUBLICAN INTERACTIVE INITIATIVES

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

Mr. WILSON of South Carolina. Mr. Speaker, Republicans are leading the charge on creative interactive initiatives that give the American people a seat in Congress. Hardworking taxpayers are rightfully frustrated by business as usual in Washington, particularly when it comes to liberals dragging their feet on job creation bills while continuing to rack up government spending.

AmericaSpeakingOut.com, launched yesterday by Chief Deputy Whip KEVIN MCCARTHY, will provide a forum for concerned Americans to make their

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voices heard and share policy concepts. I believe that this online forum will have more job creation proposals and more concepts on how to cut spending in just 1 day than the Washington liberals have presented all year.

I encourage South Carolina residents and Americans across the country to go to AmericaSpeakingOut.com to amplify your proposals on fiscal accountability, national security, American jobs, and values. It is time for you to speak out and speak up.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

NATURE'S GOD IS IN ALL OF US

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

Mr. KUCINICH. The theologian Thomas Barry wrote that the great work of our lives is to reconcile with nature, to come to establish a communion with every living species on the planet—with all humans, all animals and plants, with the land, the air, and the water. As children of a common Creator, we are part of every living thing. This requires reverence for the natural world.

When we look at the oil disaster in the Gulf of Mexico, we learn how far we must journey to reconcile with nature. The false doctrine of subduing the natural world puts us in danger of extinction because it ultimately attacks the precondition of human existence and because it separates us from an understanding of the essential interconnectedness of all life.

So we're lulled into distancing ourselves from the oil disaster, from its effects on the natural world, from its effects on future generations. Nature's God is not just up there, but it's in all of us. And only when we truly understand the deep significance of the Deepwater Horizon disaster will we be prepared to take a new direction not only with our energy policies but with our way of life.

GOVERNMENT MAKING IT HARDER

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

Mr. PITTS. Mr. Speaker, this week the House is going to consider another so-called jobs bill, but what is really in this bill? Certainly not many private sector jobs or real help to America's small businesses.

Extending unemployment compensation is necessary, but it's not creating jobs. A delayed fix to the Medicare reimbursement rate isn't creating new jobs. Billions of dollars to bail out State Medicaid programs isn't jobs. Welfare payments aren't jobs. We're about to spend $200 billion on a so-called jobs bill without creating any private sector jobs.

Just a few months ago, I polled 16,000 of my constituents. Only 12 percent of them believe that government policies are making it easier to create jobs. Is it any wonder that Americans have this opinion?

The so-called jobs bill this week permanently raises taxes in order to pay for 1-year tax extensions. Unemployment is near 10 percent. Millions more Americans have just given up looking for a job. It's far past time that we stopped making it harder for businesses to hire and started providing real help through regulatory relief and targeted tax breaks. That would be a real jobs bill.

NATIVE AMERICAN VETERANS

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, on Monday, Memorial Day, folks across America will come together to pay tribute to our greatest heroes—those who fought and died to keep this Nation safe and free. We owe them and all of our men and women in uniform an eternal debt of gratitude.

Sadly, Washington has not always done enough to pay their debt. Even now, many Native American veterans are struggling to keep a roof over their heads because of their service. They are being denied housing assistance because they are receiving benefits that they have earned with their sacrifices.

I introduced the Indian Veterans Housing Opportunity Act to right this wrong. This commonsense bill makes sure that veterans disability and survivor benefits are not counted as income under a critical Native American Housing Act. This program will bring housing to our veterans who have already paid the price.

This House approved the bill unanimously last month, and Native veterans should not have to wait any longer for justice. I call on the Senate to observe this Memorial Day by passing this important measure.

REPEAL AND REPLACE GOVERNMENT-RUN HEALTH CARE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, a new poll shows that 63 percent of the American public wants to repeal the expensive government-run health spending law. Sixty-three percent represents the largest opposition to the law since its enactment. It's no surprise, as the law forces people to hand over their hard-earned tax dollars to a private company to buy health insurance or else.

As a constitutional conservative, I have to agree with the 63 percent of American voters who want this expensive, irresponsible, overreaching law repealed and replaced.

Democrats were wrong on the bill's cost, wrong on the effect on jobs, and wrong on the issue of taxpayer funding of abortions. We must stand in favor of repealing and replacing the government health spending bill with real reforms that lower health care costs without subjecting us to any nationalized health plan. America does not want, need, or deserve government-controlled health care.

IRAN'S CONCESSIONS UPDATE

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

Mr. QUIGLEY. Mr. Speaker, I rise today to urge the U.N. Security Council to reject Iran's attempt to continue down the path of nuclear proliferation.

Iran would have us believe that the nuclear deal it reached with Brazil and Turkey was of the same caliber as the offer Tehran rejected in October. The truth is, it's not even close. This agreement would allow Iran to pursue richer-grade uranium, keep more of its nuclear materials, and maintain access to the dangerous supplies it would send to Turkey.

The Security Council must recognize the severity of this threat posed by a nuclear Iran. It must choose a deal based on substance over convenience. But most of all, it must remember the safety and security of the State of Israel and the Israeli people.

In the face of Iran's latest diplomatic diversion, it is more important than ever that we levy real sanctions against a nation bent on destroying a friend. The future of Israel—our most important ally—depends on it.

HOUSE REPUBLICANS LAUNCH NEW WEB SITE

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

Mr. PENCE. After years of being shut out of the debates here on Capitol Hill, seeing runaway Federal spending, bailouts, and takeovers built behind closed doors, the American people finally have a way in—an unambiguous seat at the table. It's called AmericaSpeakingOut.com.

Since the outset of this Congress, Republicans have been offering positive solutions to the challenges facing this country. In building a governing agenda for this Congress, Republicans have been listening to the American people, and AmericaSpeakingOut.com is a continuation of that process.

Now let me say, this is not a listening tour. House Republicans are not a party in search of our principles. We know what we believe. We're committed to the principles of economic growth, fiscal discipline, a strong defense, and traditional American values. But we simply believe that the best ideas in America come from the American people. That's why we launched AmericaSpeakingOut.com.

So I urge all Hoosiers and, frankly, all my countrymen, whatever your politics, whatever your philosophy, join us

for the conversation at AmericaSpeakingOut.com. House Republicans are listening.

□ 1015

WHAT PEOPLE GAVE FOR THEIR COUNTRY

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

Mr. COHEN. Mr. Speaker, on Monday it was my birthday, and it didn't quite go as planned. One of the things I did is I went to Arlington Cemetery and spent 4 hours looking at the graves and thinking about American history and the people who wished they had a birthday, and what they gave for their country. Some gave their lives, some gave part of their lives.

I visited the Kennedy graves and let the word go forth. I visited Robert Kennedy's grave and the tiny ripples of hope that can wipe down the mightiest walls of oppression. But I found Earl Warren's grave, along with John Foster Dulles and Arthur Goldberg together.

I would like to read from Earl Warren's tombstone. I think it is something we should reflect on.

''Where there is injustice, we should correct it. Where there is poverty, we should eliminate it. Where there is corruption, we should stamp it out. Where there is violence, we should punish it. Where there is neglect, we should provide care. Where there is war, we should restore peace. And wherever corrections are achieved, we should add them permanently to our storehouse of treasures.''

This from the vice presidential candidate of the Grand Old Party in 1948, the nominee for the Supreme Court and the Chief Justice, nominated by Dwight Eisenhower when Republicans were Republicans. Thank God for Earl Warren.

God bless the United States, and may God save the Gulf of Mexico because it doesn't look like anybody else is going to.

LACK OF COMMITMENT ENFORCING NATIONAL IMMIGRATION LAWS

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

Mr. SULLIVAN. Mr. Speaker, I am troubled by this administration's commitment, this lack of commitment of enforcing our national immigration laws.

Just last week, John Morton, Assistant Secretary of Homeland Security for the U.S. Immigration and Customs Enforcement, said that ''his agency will not necessarily process illegal immigrants referred to them by Arizona officials,'' in light of their new State law.

My district contains two permanent ICE offices, and I am seriously concerned that one of the top officials in the Obama administration in charge of enforcing our Nation's immigration laws is refusing to do his job. Regardless of his personal feelings on the Arizona immigration law, Assistant Secretary Morton has an obligation to enforce the rule of law and protect U.S. citizens and legal residents.

Arizona is under siege with both human and drug smuggling, and it is on the front lines dealing with Mexico's drug violence that is spilling over into the United States.

On behalf of my constituents and millions of Americans, I urge President Obama and Immigration and Customs Enforcement Secretary Morton to enforce our immigration laws.

HONORING THE LIFE OF TAM NGOC TRAN

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to remember an extraordinary young woman, a scholar, a student activist, Ms. Tam Ngoc Tran of Garden Grove, California, who was recently killed in a head-on collision with her close friend, Cinthya Perez.

Tam was the daughter of a refugee couple who fled Vietnam over two decades ago after escaping from a communist reeducation camp.

She graduated from Santiago High School, attended Santa Ana College, transferred to UCLA, earned a bachelor's degree in American literature and culture and was a doctoral student at Brown University.

Tam was also a courageous leader who inspired many through her personal story of immigration. In 2007, the U.S. Immigration and Customs Enforcement Agency raided the Tran home and subsequently arrested Tam and many of her family members.

Representatives LOFGREN, SMITH, and I then wrote a letter to then-Secretary Rice urging her to uphold the U.S. policy regarding the return of refugees to the Socialist Republic of Vietnam. That allowed them to remain in the United States.

CONTINUE HEALTH INSURANCE COVERAGE OF CHILDREN UNTIL AGE 26

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

Mr. COURTNEY. Mr. Speaker, on May 7 United Technologies Corporation, the largest private employer in the State of Connecticut, announced that they were going to take advantage of the health care reform law and extend age 26 coverage to all their employees' families. A few days later, Mohegan Sun Casino, which employs 10,000 in the State of Connecticut, made the same decision.

Prior to health care reform, during graduation time, graduating students get a diploma in one hand and a notice from their parents' insurer that they are being kicked off their parents' insurance coverage. Because of health care reform, 1.2 million up to age 26 Americans will now be able to use their parents' health insurance.

For the voices who call for repeal, I challenge them to tell those families that we should repeal that provision and kick their kids off health insurance.

In a few days, we are going to pass a Defense authorization bill which will extend age 26 coverage for TRICARE so that military families will also be able to insure their kids up to age 26. That's why health care reform was needed in this country. We are going to provide 14 million young adults with health insurance coverage by 2014. It is because we took that step that we are going to provide access to that population.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, our immigration system is broken and yet there are those that refuse to do anything about it. The misguided Arizona law S.B. 1070 has made it so difficult for families that some have started to leave the State.

The general atmosphere in Arizona is one of distrust and fear, not just for Hispanic families, but for all communities of color. In the media, blatant attacks, hate speeches, negative images of Latinos only adds to the fuel and fire.

Immigration reform is about people, all of us. It's about families, our neighbors, our fellow parishioners, our classmates, our children. Make no mistake, our immigration problem will not go away by just attacking those without a voice.

I urge my colleagues, both Democrats and Republicans, to roll up their sleeves and pass comprehensive immigration reform that will reinforce strong security at our borders, strong sanctions against employers who hire the undocumented workers, and unite our families.

We need comprehensive immigration reform now.

STRAIGHT FROM BP'S WEB SITE

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

Mr. GUTIERREZ. Mr. Speaker, here is an excerpt straight from BP's Web site. ''Code of conduct is the cornerstone of their commitment to integrity.'' You can't make this stuff up.

It goes on to say ''Great companies are built on trust. Trust is earned through the achievement of consistently high standards of behavior and care.''

Wait, but it gets better. The document also says that among the ''basic rules you must follow'' at BP is always to ''make sure you know what to do if an emergency occurs at your place of work.'' Straight from BP's Web site.

Well, 40 days into one of the worst ecological disasters of our time, BP has yet to meet its own commitment in its Web site to its own integrity. If the code of conduct is consistently violated, causing massive destruction and loss of life, then that employee or contractor would be terminated. The American people should demand no less.

Today I plan to introduce an amendment to the Department of Defense authorization bill to begin the process of terminating BP's business with the American people. Please join me in supporting my amendment to ensure that BP is permanently banned from profiting off the American taxpayer.

HONORING MELISSA BEYRUTI OF UNION CITY, NEW JERSEY

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

Mr. SIRES. Mr. Speaker, today I rise to honor the achievements of an inspiring student athlete, Melissa Beyruti of Kean University.

Melissa, an All-American senior basketball guard from Union City, New Jersey, finished her career this past March to become the NCAA Division III leader in all-time games played with 128. She also became Kean's all-time leading scorer, closing out her career with 1,974 points, and she holds the NCAA all-division record for career three pointers with 397.

In addition to being chosen for the 2010 NCAA Division III State Farm Coaches' All-American Team, Melissa has been named as both the Eastern College Athletic Conference Division III Metro Region Player of the Year and the New Jersey Athletic Player of the Year. Highlights of her career have been featured in The New York Times and Sports Illustrated.

Melissa has served as both an exemplar student athlete and role model for young girls and women, making her family, university, and the community of Union City very proud. She is an inspiration to many, and I want to congratulate her and her family. I look forward to her many future successes on and off the court.

SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE REPORT ON THE EPA

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

Mr. ROGERS of Kentucky. Mr. Speaker, this past Friday, the Senate Environment and Public Works Committee released a report that outlines the economic impact of the EPA's holding up perfectly valid mining permits. This report brings to light yet another example of the EPA's war on coal that threatens our country's economic energy and security.

The report found that 190 coal mining operations are being held up. These mines are expected to produce over 2 billion tons of coal, and 81 small businesses rely on these permits to keep their doors open. The EPA is jeopardizing 1 out of every 4 coal mining jobs and over 162,000 indirect jobs in Appalachia.

Enough is enough. With nearly double-digit unemployment throughout the Appalachian region, the Obama administration should tell its EPA to stop its political attacks on coal. Now is the time to put politics aside so thousands of citizens in Appalachia can return to work.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES

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

Ms. PINGREE of Maine. Mr. Speaker, I want to talk about H.R. 4213 and the impact it will have on an economy that may be improving but has not gone far enough yet. This important bill will put the folks in Maine back to work by increasing investment in our communities and businesses and by closing tax loopholes.

Because of this bill, small businesses that are the backbone of our economic recovery will have increased access to credit. The Build America's Bonds program will continue to allow towns to invest in improving their infrastructure and provide good-paying construction jobs for many Americans. In my home State of Maine, extending the research and development tax credit helps important businesses like IDEXX in Westbrook to grow and develop innovative new products.

I am proud to say this bill also cracks down on tax loopholes that allow hedge fund managers to avoid paying income tax on much of their salaries, and the bill makes sure that multinational corporations don't avoid paying taxes by shifting their profits to offshore tax havens.

Closing tax loopholes generates billions of dollars to pay for the provisions that create jobs in our communities. I look forward to voting ''yes'' on this important bill.

BUSINESS ECONOMIC HISTORY THAT MIGHT MAKE PINOCCHIO BLUSH

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

Mr. CONNOLLY of Virginia. Mr. Speaker, yesterday we heard some business economic history that might make even Pinocchio blush.

Our friends on the other side of the aisle sometimes want the public to forget we inherited an economy in free fall last January. GDP had plummeted 5.4 percent and 741,000 Americans lost their jobs that month. This Congress took decisive action to halt that downward spiral known as the Great Recession.

Those efforts are yielding results today, fostering 290,000 jobs last month, 600,000 jobs so far this year, on a track to create more jobs this year than in the previous 8 years under their rule. In my Virginia district alone we created 4,000 jobs last month and saw the unemployment rate drop.

The national economy has posted positive growth in each of the last three-quarters, jumping 5.6 percent alone in the first quarter. Mr. Speaker, our Republican colleagues continue to advocate for the bankrupt policies that previously drove our Nation into the economic ditch. We have chosen a new path, and it's those actions and investments that are putting Americans back to work today.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

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

Ms. SPEIER. Mr. Speaker, I rise to commemorate Asian-Pacific American Heritage Month and the remarkable contributions the Asian and Pacific Islander community have made to our Nation. I am a proud member of the Congressional Asian Pacific American Caucus, and my district includes some of the most robust and active Filipino and Chinese communities in America.

For centuries our Nation has been strengthened by the enormous courage, sacrifice, and dedication of immigrants from across the globe, and the Asian American Pacific Islander community is no exception. As the daughter and granddaughter of immigrants, I know firsthand how weaving values and principles from our cultures into our national fabric is a part of what makes our country great.

The heroes of the AAPI community represent the very best aspects of American life, and their contributions have been invaluable to my district, the State of California, and to our country.

PUT LIMITS ON CORPORATIONS' ABILITY TO INFLUENCE AMERICAN ELECTIONS

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

Mr. YARMUTH. Mr. Speaker, when the Supreme Court handed down a decision in the Citizens United case, which allowed corporations, including foreign corporations, to spend money to advocate candidates in American elections, many people might have thought this

was an abstract threat. But the events of the last month probably should convince them otherwise.

Last year, BP Oil made $14 billion in profit. If they took one-tenth of that profit, $1.4 billion, they could spend $3 million in every congressional district for every election. It might be less expensive for them to buy Congress than it would be to pay the damages that they have done to this country.

You know, in Kentucky, we have a candidate, Rand Paul, who is running for the Senate. He said President Obama was being un-American when he said he wanted to keep his foot on the throat of BP Oil. Do you think Rand Paul might be getting some campaign expenditures from BP this year?

The damage that BP Oil has done to our country is not nearly as great as the damage which the Citizens United case could do to our democracy. We need to pass the DISCLOSE Act and put limits on corporations' ability to influence American elections.

□ 1030

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.

HONORING WORKERS WHO PERISHED IN DEEPWATER HORIZON ACCIDENT

Ms. SPEIER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1347) honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1347

Whereas 11 workers tragically died on the Deepwater Horizon offshore oil platform following an explosion on April 20, 2010;

Whereas the Nation is greatly indebted to offshore workers for the strenuous work they perform to provide the energy that drives our Nation every day;

Whereas the Nation has long recognized the importance of safety protections for offshore workers who labor in difficult and uncertain conditions;

Whereas these men were loving husbands, sons and brothers;

Whereas these workers should be remembered for their valor and contribution to our communities;

Whereas Coast Guard and local rescue crews worked tirelessly night and day in courageous rescue and recovery missions;

Whereas the families of the lost workers have endured a great loss; and

Whereas residents of the Gulf Coast and the Nation came together to support these families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the untimely and tragic loss of the 11 workers from the States of Louisiana, Mississippi, and Texas who died on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes all employees on the Deepwater Horizon for their hard work and sacrifice;

(4) commends the rescue crews for their valiant efforts to rescue these workers and others on the platform; and

(5) honors the many volunteers who provided support and comfort for the families of these people during this difficult time.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, it is with great sadness that I present H. Res. 1347 for consideration. This resolution honors the 11 workers who perished on the Deepwater Horizon offshore oil platform following an explosion on April 20 of this year. We mourn their loss and extend our prayers and condolences to their families.

H. Res. 1347 was introduced by our colleague, the gentleman from Louisiana, Representative CHARLIE MELANCON, on May 11, 2010. The measure was reported to the Committee on Oversight and Government Reform, which waived consideration of the measure to expedite its consideration on the floor today. The resolution has the support of over 50 Members of the House.

Mr. Speaker, the deaths of the 11 workers on the Deepwater Horizon offshore oil platform last month were a tragic reminder of the severe hazards that offshore workers face every day. As we mourn the loss of these men, let us take a moment to reaffirm our commitment to the safety of our offshore oil workers and all Americans who perform such dangerous and necessary work every day. Let us also take a moment to commend our Coast Guard and the local rescue crews for their tireless efforts responding to this catastrophe. Their jobs are also incredibly difficult and dangerous, and we thank them for their hard work.

Mr. Speaker, the Deepwater Horizon explosion and the ongoing crisis of the oil spill it produced will have significant political and policy ramifications. We will debate those here on the House floor, but that is not what we are here to do today. As we are joined today by the family of one of the victims of the explosion, let us put aside all differences and offer our united, heartfelt, and profound sympathies to the families and friends of these 11 workers.

I would now like to place into the CONGRESSIONAL RECORD the names of these hardworking Americans who lost their lives in this tragedy: Dale Burkeen, Donald Clark, Roy Wyatt Kemp, Jason Anderson, Stephen Curtis, Gordon Jones, Karl Kleppinger, Blair Manuel, Dewey Revette, Shane Roshto, and Adam Weise.

I urge all of my colleagues to join me in supporting this measure. I thank the gentleman from Louisiana for introducing it, and I also thank the chairman of the Committee on Oversight and Government Reform, Congressman TOWNS of New York, as well as the ranking member, Representative ISSA of California, for their support.

[From Times Online, Apr. 30, 2010]

THE MISSING MEN OF DEEPWATER HORIZON OIL RIG

(By Joanna Sugden)

Eleven men were missing presumed dead after the Deepwater Horizon oil rig exploded last week.

Dale Burkeen, 37 was a crane operator on the platform and was trained to lower crew members to boats in an emergency.

He had returned to the rig from Neshoba, near Philadelphia, about a week before the explosion. He and wife, Rhonda, have two children, Aryn, 14 and Timothy, 6.

Donald Clark, 49 of Newellton, Louisiana, was expected to leave the rig the day after the explosion for a three-week break. He was an assistant driller.

Roy Wyatt Kemp, 27, has two children, Kaylee, 3, and 3-month-old Maddison, with his wife, Courtney.

He loved fishing and the outdoors and attended a Baptist church in Jonesville, Louisiana, where a memorial service for him will be held today.

Jason Anderson, was a father of two from Bay City, Texas.

Stephen Curtis was an assistant driller on the rig from Georgetown, Louisiana.

Gordon Jones, 28, of Louisiana, was expecting to become a father to a second son with his wife, Michelle.

Karl Kleppinger, 38, of Natchez, Mississippi was a Desert Storm veteran who spent more than ten years working on oil rigs. He was a floorman who made about $75,000 a year working off the Louisiana coast.

Blair Manuel, 56, resident of Gonzales, Louisiana, was a chemical engineer on the rig.

Dewey Revette, 48, from State Line, Mississippi, was a father who had worked for the company as an oil driller for 29 years.

Shane Roshto, 22, was from Franklin County, Mississippi. His family were named on law suits filed by Louisiana's fisheries industry, accusing BP and Transocean, the rig operator, of negligence.

Adam Weise, 24, of Yorktown, Texas, came straight from high school work on the rig in 2005. He loved to hunt and fish and play football. He was the youngest of four children.

[From the Houston Chronicle, May 24, 2010]

RELATIVES REMEMBER THE 11 LOST IN OIL RIG BLAST

(By Dane Schiller)

YORKTOWN.—The hand-scrawled note on the cover of the steno pad is as simple as it is startling.

''April 20, 2010 . . . Start of Hell,'' wrote Texas mother Arleen Weise.

At ''6:00 AM'' the next morning, Weise noted, she got word of the explosion on the Deepwater Horizon, the massive oil rig where her youngest son, Adam, was working in the Gulf of Mexico when he was killed.

''I knew in my heart,'' she said of her son's fate as she stood beside his jumbo-size pickup parked outside his home in this tiny town near Victoria. didn't say it to anyone; I just knew.''

With the pad, she has kept a record of people she has spoken with since that first phone call: Coast Guard officers discussing the search for her son. Oil company officials talking about benefits. A preacher framing a eulogy. Craftsmen chiseling a black marble headstone.

The notepad will travel with her today as she and the families of all 11 workers killed in the accident gather for the first time for a memorial service to be held behind closed doors at a convention center in Jackson, Miss.

Twenty-one of Adam Weise's closest friends and family will be flown on a charter flight paid for by Transocean, the company for which he worked.

He was one of two Texans killed.

The other was Jason Anderson of Midfield, who left behind a wife and two young children.

Anderson's funeral was held Saturday at a packed church in Bay City. One of his spare blue safety helmets and an XXL work shirt, complete with an embroidery of the drilling rig on the right breast pocket, were on a stage filled with flowers.

On one side of the church, where Anderson married his wife, Shelley, sat his family; on the other, fellow rig workers.

''We definitely do not understand why Jason is gone and the other 10 members of his rig,'' said Pastor Clyde Grier. ''We cannot let the things we don't understand dismiss what we do.''

He spoke of the burly man who played high school football, loved to hunt and was known for his Texas two-step.

Anderson, like Weise, knew of the dangers of working on a rig. But along with the physically demanding work and sweat came paychecks that could easily surpass $50,000 annually.

LEFT TO WONDER

Arleen Weise said she doesn't know what to expect today, whether other families will be angry and confrontational or comforting. She does understand, though, that none of them will ever know what happened in those final moments, no matter what her steno notepad says.

She knows her son was in the pump room. A surviving co-worker told her so.

And she knows how many rescue flights were flown and miles covered before the search was abandoned. There were 28 flights covering 6,600 nautical miles, she said.

She has imagined her 24-year-old son—the youngest of four—plunging into the nighttime sea and flailing to untie his heavy work boots and slip out of his jumpsuit.

She decided that the explosion was so massive he never even knew what hit him.

It is comforting—no pain, no suffering,'' she said. ''He's on the bottom of the Gulf with the Deepwater Horizon.''

She and three other women—Adam's girlfriend, sister and grandmother—agreed to talk with the Houston Chronicle in hopes that more people will know not just how Adam died but also how he lived.

Adam's older sister, Gwendolyn Weise, said that somewhere deep she still holds a glimmer of hope he'll be found.

''I just can't get over not having anything . . . him, by himself,'' she said.

Adam Weise loved playing football for the Yorktown Wildcats, but he wasn't the best of students in high school.

He worked on a ranch and then headed for the oil fields. He didn't like the filth but could handle the details in a world where even a dropped wrench could tumble for a mile through pipeline.

He made enough not only for his truck, which was nicknamed ''Big Nasty,'' but the neat two-bedroom home he shared with a cat. A red Transocean jumpsuit still hangs beside camouflage shirts and jackets for hunting.

When he was back on land at home, he was a prankster.

His mother said he once used a bullhorn to make her think the police had surrounded the beauty shop where she worked.

''This is the police,'' she recalls hearing over the bullhorn. ''Arleen Weise, come out with your hands up.'' She fell for it.

Remembering him makes her laugh as well as cry. She said she has had so much to do since his death that only now are some things really taking hold.

''These last few days it has hit me that my son is never coming back to me. I'm not holding it together,'' she said. ''Now, I keep seeming to be more of a mess.''

'WELL FROM HELL'

Adam Weise and his friend Caleb Holloway, of Liberty, were nearing the end of their last shift and at the end of their three-week rotation before heading home when a supervisor needed one of them to go to the pump room.

Weise took the job and told Holloway he'd see him later. Holloway survived.

If Weise had made it, he never would have been able to live with the guilt over those who died, his family said. ''We'd have never had our Adam back,'' said his grandmother, Nelda Winslette.

Added his mother: ''There is not enough counseling in the world to have brought him back.''

His girlfriend, Cindy Shelton, said he had been calling her before and after every shift—unusual for him. She says he was frustrated with problems on the project.

''Everything that could go wrong was going wrong,'' she said. ''Every time he'd call me, he'd say, 'This is a well from hell.' ''

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

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

Mr. Speaker, I rise today in support of House Resolution 1347. This resolution honors the workers who perished on the Deepwater Horizon offshore oil platform off the coast of Louisiana and extends our sincerest condolences to those families. It also recognizes the valiant efforts of emergency response workers and volunteers at the disaster site.

I commend my colleague and friend, Congressman MELANCON, for bringing this important piece of legislation before the House, and I extend my appreciation to him and to the rest of our colleagues in the Louisiana congressional delegation for working together to address this disaster.

Mr. Speaker, I have come to the House floor a number of times since April 20 speaking of the ongoing impact of this tragedy on the gulf coast. Today, though, I wish to focus this body's entire attention on those whose lives were lost on that day and those who continue to respond to the crisis.

As I listen to my colleagues speak in support of this resolution, my heart is heavy. As with their families and friends, I mourn the loss of those who died aboard the oil platform. On that tragic day, the 11 men—Jason, Aaron, Donald, Stephen, Roy, Karl, Gordon, Blair, Dewey, Shane, and Adam—were on the rig doing what they knew best. The demands of working the rigs, as anyone who lives along the gulf coast knows, are great. It is physically demanding work, and it takes loved ones away from their families for long stretches at a time.

Our coastline is a working coastline because we are blessed with an abundance of natural resources in the Gulf of Mexico. From fishermen to those working the rigs, each day you can find thousands on the waters laboring to produce these resources and to contribute to the industry and economy of this Nation.

On April 20, the 11 men were working to provide the energy that has driven this Nation for centuries and that continues to be a force in the economy of my home State of Louisiana. This is dangerous work, and it is our responsibility to ensure that safety precautions are taken and that procedures are strictly followed.

The explosion is being investigated by various parties, including congressional committees, and it is our responsibility to ensure the findings are swiftly addressed with new policies to strengthen safety procedures for those working in dangerous and uncertain conditions. You have my word this will be done.

In times of tragedy, this Nation has come together as one, and this is especially the case for those along the gulf coast. I wish to recognize the extraordinary work of the thousands of volunteers and emergency personnel, from the Red Cross to the U.S. Coast Guard, whose unhesitating response to the call of need thus represents the compassion and dedication of this great Nation.

To the families of the 11 who perished, I realize that nothing my colleagues nor I here today can say will return your sons, husbands, and brothers to you, but it is my hope that the gratitude and respect we express on behalf of the citizens of this great Nation will provide some comfort to you while you grieve your loss.

In closing, Mr. Speaker, I urge my colleagues to support House Resolution 1347.

I reserve the balance of my time.

Ms. SPEIER. Mr. Speaker, I yield such time as he may consume to the gentleman, a great leader, from Louisiana (Mr. MELANCON),.

Mr. MELANCON. Thank you, Representative SPEIER. Thank you all very much.

I rise today with a heavy heart to remember the 11 men that died on the offshore rig Deepwater Horizon. Those men and thousands of them like them, women included, travel out to offshore rigs every day to work hard and provide opportunities for the rest of us to make a living.

As the crisis in the Gulf of Mexico continues to grow, we see shorelines, fisheries, and other economies threatened. This unprecedented event has the entire gulf coast and country watching to see how soon we can end this.

Setting aside the present crisis for a moment, I am proud to stand with Members of this Congress to remember those men who represent a very human face to this tragedy.

I would also like to take a moment to recognize the families of those 11 people. Those men were doing what so many other men and women do in Louisiana every day. They were working to provide a better life for their families while braving difficult and sometimes dangerous conditions to provide domestic energy needed to drive our Nation and our economy. Our thoughts are with these families, and I pray that their grief is not forgotten by the rest of us.

And we should also recognize the courageous work of the emergency responders who fought the blaze and saved lives that night. The loss of those 11 workers is a high cost to their families, and so I ask everyone to please remember the personal side to this tragedy as we move forward. Please keep them in your thoughts and, particularly, keep them in your prayers.

Mr. CAO. Mr. Speaker, I yield 2 minutes to my distinguished colleague and friend from Louisiana (Mr. ALEXANDER).

Mr. ALEXANDER. I thank the gentleman for yielding.

All along the gulf coast, there are many communities hundreds of miles from the edge of the water, communities that are filled with families that, for generation after generation, have produced the workers that are required to produce gas and oil in the gulf region. Some of those workers leave home for periods of 7 days, 14 days, perhaps 21 days before coming home. Sadly, some never return home. Families can't be prepared for losing those loved ones, and for that, our hearts and prayers go out in this resolution.

Ms. SPEIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the State of Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I thank my colleague from New Orleans for yielding.

This is a sad time for those of us from south Louisiana. It's a sad time especially as we look at what's happening every day as more oil gushes into our marshland, our valuable, fragile ecosystem. But if there is anything that eclipses the sadness we're experiencing on the coast, it's the loss of those 11 lives, the 11 brave men who died on that Horizon rig, and the families that they left behind. So many of those young men left behind young children and wives who now have to cope with the loss and somehow find a way to move on.

So our prayers go out to those who lost their lives, and their families who are continuing to experience the tragedy that we're all so sorry for experiencing on the gulf coast. So it's a sad time for all of us on the gulf coast, but we want to give a special pause for those who lost their lives and the young children and spouses that they leave behind.

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

Ms. SPEIER. Mr. Speaker, I encourage my colleagues to join me in supporting H. Res. 1347, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1347.

The question was taken.

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

Ms. SPEIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1045

SUPPORTING RV CENTENNIAL CELEBRATION MONTH

Ms. SPEIER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1073) supporting the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of the enjoyment of recreational vehicles in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1073

Whereas 1910 marks the first year of mass-produced, manufactured, motorized campers and camping trailers;

Whereas 1 in 12 households in the United States owns a recreational vehicle, and over 30,000,000 recreational vehicle enthusiasts take part in this affordable and environmentally friendly form of vacationing;

Whereas recreational vehicle vacations allow families in the United States to build stronger relationships, explore the great outdoors, and take part in healthy activities;

Whereas this homegrown industry, including recreational vehicle manufacturers, suppliers, dealers, and campgrounds, employs hundreds of thousands of people in the Nation in good-paying jobs across all 50 States;

Whereas recreational vehicles offer the freedom, comfort, and flexibility to see all parts of the United States, from historic landmarks and national parks to local campgrounds and sporting events; and

Whereas the 100th anniversary of the introduction of the recreational vehicle into the United States marketplace will be celebrated June 7, 2010, at the RV/MH Hall of Fame and Museum in Elkhart, Indiana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of enjoyment of recreational vehicles in the United States; and

(2) encourages the people of the United States to celebrate this anniversary by taking part in recreational vehicle vacations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. SPEIER. 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 gentlewoman from California?

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 1073, a measure supporting the goals and ideals of RV Centennial Celebration Month.

This measure was introduced by my colleague, the gentleman from Indiana, Representative JOE DONNELLY, on February 4 of this year. It was referred to the Committee on Oversight and Government Reform, which waived consideration of the measure to expedite its consideration on the House floor today. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, RVing is one of the great American traditions in travel. The 30 million Americans who regularly vacation via their recreational vehicles get to travel far and wide around our country, exploring our majestic landscapes, our national and State parks, and taking part in a healthy, outdoor activity. RVs help them do so at a price affordable to families. There are destinations for RVing across our 50 States, and we can all agree that we'd love for more Americans to visit the places we are most proud of in our communities.

For instance, I'd like for the RVing community to come and set their eyes on the Golden Gate Bridge, on the cable cars, on the Golden Gate National Recreation Area, or on the San Francisco Bay Estuary.

RVs make exploring our great country a practical option for many families. The first RVs came into mass production 100 years ago this June. Let us now take time to mark that significant moment in American history by supporting this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of House Resolution 1073, supporting the goals and ideals of RV Centennial Celebration Month, to recognize and honor 100 years of enjoyment of recreational vehicles in the United States.

Since 1910, when the first mass-produced, manufactured, motorized campers appeared, people in recreational vehicles still set out to see the country and to enjoy the life of the open road. RVs have steadily gained popularity over the past 100 years. Today, over 30 million recreational vehicle enthusiasts enjoy this pleasant way to vacation. Recreational vehicles offer a way for families to experience all kinds of outdoor activities, especially in our national parks, lakes and oceans. Hundreds of thousands of Americans benefit from this industry, including recreational vehicle manufacturers, dealers and RV campground employees across the United States.

It is the freedom to share the excitement of exploring historical landmarks, of attending sporting events, and of engaging in family camping that explains the appeal of an RV for so many of our citizens.

On June 7, 2010, we will have the opportunity to celebrate the introduction of the recreational vehicle in the United States in Elkhart, Indiana, where the RV/MH Hall of Fame resides. This centennial is found to be a nostalgic celebration of the freedom and enjoyment that RVs have brought to so many Americans in the last 100 years. I support the passage of this resolution.

I reserve the balance of my time.

Ms. SPEIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise in strong support of House Resolution 1073, a bipartisan resolution recognizing and supporting the goals of RV Centennial Celebration Month in June 2010.

The first mass-produced, manufactured, motorized campers and camping trailers appeared in the American marketplace for commercial sale in 1910. This resolution seeks to honor and commemorate America's 100 years of enjoyment of RVs. It also offers an opportunity to recognize the workers who make RVs, the entrepreneurs who started these companies and whose passion has created jobs and opportunity for so many people and to recognize the homegrown industry that has developed to support this great American pastime and to provide good-paying jobs for thousands of families.

I have the privilege of representing a large portion of the RV industry. It is crucial to northern Indiana's economy. RV manufacturing has long been a major economic driver in places like Elkhart by directly employing thousands of people in the RV plants and thousands more in suppliers' factories, not to mention its contributions to the local municipal tax base.

The economic importance of RVs and camping extends well beyond my district, of course—to the entire United States. RV manufacturing is big business in Oregon, Iowa and elsewhere. Camping and RV tourism pump millions into our parks and vacation destinations each and every year. For a century, through war and peace, booms and busts and technological fads, RVs have been a mainstay of American highways, campgrounds, sporting events, and driveways.

The RV lifestyle is still going strong. Today, one in 12 American households owns an RV, and over 30 million RVers take part in this affordable and environmentally friendly form of vacationing each year. We all represent families who own RVs and who enjoy the freedom of travel and of the family adventure they provide. Despite the economic ups and downs, RVs allow families an affordable way to travel and to explore this country's amazing natural resources.

This year, the RVing community will celebrate their centennial with a series of events which will culminate a 100th anniversary party hosted on June 7 at the RV Hall of Fame in Elkhart, Indiana. This resolution to recognize June 2010 as RV Centennial Celebration Month provides a fitting endorsement of the 100-year journey of a uniquely American product. This resolution enjoys the support of over 50 bipartisan cosponsors.

I urge my colleagues to support this resolution and pass House Resolution 1073.

Mr. CAO. I just want to let the gentleman from Indiana know that I grew up in Goshen, Indiana, which is about 20 miles from Elkhart; so I know how important the RV industry is to that area.

Mr. Speaker, with that being said, I would like to ask that all RV owners please spend some time and drive down to Louisiana, especially to New Orleans. We have the best restaurants in the world, the best seafood, and our culture is unequaled.

I yield back the balance of my time.

Ms. SPEIER. Mr. Speaker, again, I would like to urge my colleagues to support this measure honoring the 100 years that RVs have been in production, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1073.

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.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1391) congratulating Israel for its accession to membership in the Organization for Economic Cooperation and Development, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1391

Whereas Israel first sent an observer delegation to the Organization for Economic Cooperation and Development (OECD) in 1994, and first began actively seeking to join the OECD in 2000, when it met the OECD's membership requirements relating to industrial and per-capita product criteria;

Whereas in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas Israel has been the most active nonmember country in the OECD, is a member, observer, or ad hoc observer in dozens of working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel's tax burden, encompassing income and property taxes, customs duties, value-added taxes, and national insurance, is much lower than in most OECD member states;

Whereas the World Bank ranks Israel among the 30 countries in which it is easiest to do business, and ranks Israel as tied for fourth in ease of getting credit and tied for fifth in protection of investors;

Whereas in 2010, the World Economic Forum ranked Israel 27th out of 133 countries in its Growth Competitiveness Index, and in particular ranked Israel third in quality of scientific research institutions, fourth in utility patents, fifth in strength of investor protection, fifth in the Forum's legal rights index, seventh in life expectancy, ninth in innovation, 15th in financial market sophistication, 15th in availability of the latest technologies, and 15th in judicial independence;

Whereas the World Economic Forum ranked Israel 28th out of 133 countries in its 2009–2010 Networked Readiness Index and 29th out of 121 in its 2009 Enabling Trade Index;

Whereas Israel has carried out far-reaching economic reforms in recent years with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications, transport, housing, and other fields, growing its private sector and streamlining its public sector;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending per capita;

Whereas membership in the OECD will likely strengthen the position of Israel in the global economy and within international financial institutions, solidify Israel's transition from an emerging market to an advanced economy, and encourage increased foreign direct investment in Israel;

Whereas Israel's accession to membership in the OECD will strengthen the OECD because of Israel's high living standards, free and stable markets, and commitment to democracy, human rights, and freedom;

Whereas Israel's economic and technological standing will likely benefit OECD member states in innovation, in research and development, and in the science and technology, including high-technology, sectors;

Whereas Israel is a strong ally and friend of the United States and supports the United

States in international organizations more consistently than any other country;

Whereas, on November 8, 2005, the House of Representatives unanimously adopted H. Res. 38, and on May 3, 2007, the Senate by unanimous consent adopted S. Res. 188, in support of Israel's accession to membership in the OECD;

Whereas in May 2007, during the annual meeting of the OECD's ministerial council, OECD member states invited Israel to open talks for accession to membership in that organization;

Whereas the Secretary-General of the OECD, Angel Gurria, has supported Israel's candidacy for accession to OECD membership and worked to ensure that Israel's candidacy was not politicized, and was judged by objective economic and democratic standards;

Whereas the United States has supported Israel's candidacy for accession to OECD membership;

Whereas, on May 10, 2010, the 31 OECD member states unanimously agreed to invite Israel to become a member of that organization, with the OECD noting in a statement that ''Israel's scientific and technological policies have produced outstanding outcomes on a world scale.'';

Whereas, on May 10, 2010, Israeli Prime Minister Benjamin Netanyahu noted regarding Israel's accession to OECD membership that ''Israel's accession to the OECD has strategic importance for the process of positioning Israel's economy as a developed and advanced economy, as well as in attracting international investments . . . There is still work to be done. We have done a great deal. We are doing a great deal; and we will do a great deal . . . so that we can be on the list of leading countries, among the 15 most advanced countries in the world. This goal is possible and it won't take us too many years to accomplish.'';

Whereas Israel will be welcomed into the OECD during the annual meeting of that organization's ministerial council on May 27, 2010, and will fully accede to membership once it passes the requisite enacting legislation, a process that is likely to be completed within months; and

Whereas Israel continues to pursue further opportunities to accede to membership or enhance its participation, as the case may be, in international forums: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Israel for its accession to membership in the Organization for Economic Co-operation and Development (OECD);

(2) commends the 31 nations of the OECD, as well as OECD Secretary-General Angel Gurria, for recognizing Israel's economic success as well as its commitment to the principles of democratic government and market economy by unanimously electing Israel to OECD membership;

(3) recognizes the importance of the strong role played by the United States in Israel's successful bid for accession to membership in the OECD; and

(4) calls on responsible nations to support efforts by Israel to accede to membership or enhance its participation, as the case may be, in international forums.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution. Israel's accession to the Organization for Economic Co-operation and Development, a prestigious group of the world's most advanced economies, is a monumental achievement and is testimony to Israel's remarkable economic success and diplomatic acumen.

The unanimous decision by the 31 member states of the OECD to accept Israel is a recognition of Israel's economic strength as well as of its democracy and of its ability to contribute to the organization and to the world's economy.

Israel was one of the few economies in the world to have positive economic growth in the midst of last year's global economic crisis, and it is expected to grow at least 3.5 percent in 2010. As a member of the OECD, Israel will be in an even better position to advance key economic sectors of its economy, including technology, medicine and agriculture. This will prove beneficial, not only to the State of Israel but, as the record of Israeli entrepreneurial creativity attests, to the entire world.

Mr. Speaker, Israel's accession to the OECD is an important achievement for the State of Israel, and it also demonstrates the importance of U.S. engagement in multilateral organizations. Without the emphatic support of the Obama administration's delegation to the OECD, Israel almost certainly would still be waiting at the organization's door, knocking to come in.

I would like to congratulate and thank our OECD mission in Paris for their hard work. This strong team of diplomats worked tirelessly to support Israel's OECD candidacy, and it dutifully ensured that Israel's candidacy was not politicized and that it was judged by objective economic and democratic standards.

Mr. Speaker, the lesson from this victory is clear: U.S. engagement works. Without a strong presence at this international organization, we risk leaving our ally Israel to battle alone against its many biased critics. It is important to remember that maintaining a strong U.S. voice in international organizations isn't important just for America's interest but for Israel's interest as well.

I want to thank the Obama administration for their strong support for Israel at the OECD, and I look forward to working with them to ensure that there is the same support going forward at the OECD, at the U.N., and at other multilateral organizations.

The unanimous vote by OECD members to admit Israel not only highlights Israel's growing global economic importance, which it certainly does and is, but it also represents an important sign that the U.S., when properly engaged, can help to defeat the unrelenting efforts of Israel's detractors and, may I say, haters.

I would like to thank my dear friend, Ranking Member ILEANA ROS-LEHTINEN, for introducing this important resolution and for making Israel's accession to the OECD possible.

I encourage all of my colleagues to vote ''yes'' on this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

I thank my good friend, the lovely lady from Nevada (Ms. BERKLEY), for those kinds words.

Mr. Speaker, we have got a good, strong partnership when it comes to promoting the ideals of freedom, democracy and the rule of law; and in that category, Israel will always stand out.

I am proud, obviously, to support this resolution, which I authored and sponsored, House Resolution 1391, which congratulates Israel on being approved for membership in the Organization for Economic Cooperation and Development. The OECD brings together governments committed to democracy and a market economy in advancing freedom and in advancing prosperity. The recent unanimous support of OECD member states for Israel's membership is a well-deserved seal of approval for Israel, one that can reinforce its progress and that will benefit both Israel and the members of the OECD.

Mr. Speaker, the history of Israel's pursuit of membership in the OECD speaks volumes about the nature of Israel, also, lamentably, of the Palestinian leadership and of the U.S. engagement in international organizations. Israel, the free, democratic country that it is, pursued OECD membership, not with a sense of entitlement but with patience and eagerness to demonstrate its eligibility and its competence in improving herself in the process.

Israel first sent an observer delegation to the OECD in 1994. In the 16 years since that time, Israel has carried out far-reaching economic reforms with respect to taxes, labor, competition, capital markets, pension funds, energy, communications, transport, and housing. Mr. Speaker, the list goes on and on.

□ 1100

It has grown its now-booming private sector and streamlined its overgrown public sector. Its tax burden is much lower than that of most OECD member states.

Israel is now a world leader in science, technology, and entrepreneurship, home to the most high technology startup companies, scientific publications, and research and development spending per capita. And it has

been the most active nonmember country in the OECD, becoming a member or an observer in dozens of working bodies, a party to numerous OECD declarations, and coming into compliance with multiple OECD standards.

Israel also continues to uphold the democratic values of its founding with a vibrant political system, a robust and autonomous judiciary, and a commitment to human rights. In short, Israel's democracy, its prosperity, and its freedom are a model for many nations and many people. Israel has clearly made its case for OECD membership.

The Palestinian leadership, in contrast, has spent the last 16 years demonstrating time after time that it never misses an opportunity to miss an opportunity. It has rejected every offer of peace from Israel. It has refused to recognize Israel's right to exist as a Jewish state. It has failed to crack down on violent extremism and anti-Israel incitement. Indeed, it has even tolerated and encouraged such behavior.

It has supported boycotts of Israeli goods, and the Palestinian Authority's prime minister, whom some consider a moderate, even participated in a mass burning of such goods. And it has consistently tried to use international organizations, from the U.N. General Assembly to the Human Rights Council, with its infamous Goldstone Report, to the International Criminal Court, to demonize and delegitimize Israel.

The Palestinian Authority tried hard to block Israel's candidacy for membership in the OECD, with the same Palestinian Authority prime minister personally lobbying foreign governments to oppose Israel's membership.

Is this a partner for peace, Mr. Speaker?

But it gets worse. A former Palestinian Authority foreign minister and senior associate of Abu Mazen announced just last week that the Palestinian Authority was intensifying its diplomatic and economic offensive against Israel. He said the Palestinian Authority needed ''to increase our efforts in the international arena to isolate and punish Israel, prevent it from deepening its relations with the European Union, and attempt to expel it from the United Nations.'' He continues, ''We must pursue Israel in all international bodies and institutions.'' And Palestinian leaders keep threatening violence to extract concessions.

Instead of focusing on building a better future for its people, the Palestinian leaders are focusing on tearing down that future for Israel and her citizens. This Congress should not reward such behavior by providing yet another $400 million bailout to the West Bank and Gaza, including another $150 million in cash directly to the Palestinian Authority.

Finally, Israel's candidacy for OECD membership teaches us a lesson about when and how the U.S. should participate in international forums, and when and how it should not. The OECD is what the U.N. was intended to be, a group of free, Democratic countries cooperating to advance their values and shared interests. It has rigorous membership standards and new members must be approved by all existing members.

Its Secretary General has demonstrated commitment to ensuring that Israel's candidacy and other issues are determined on the merits and are not politicized. That is why the U.S. should and does participate in the OECD, including by actively supporting Israel's candidacy for membership.

In contrast, the UN's misnamed ''Human Rights Council'' has no meaningful standards for membership, other than the ability to gain the support of a mere majority of the U.N. General Assembly, which itself includes scores of countries that are not free democracies.

In the most recent so-called ''elections,'' using the term loosely, to the Human Rights Council earlier this month, every single candidate, no matter how oppressive the government, ran unopposed on previously agreed upon regional slates. That is not democracy. It's what happens in the Castro brothers' Cuba. So it is no surprise that the Cuban regime is a longstanding member of the rogue's gallery that is the Human Rights Council, as are China, Saudi Arabia, and now Qaddafi's Libyan regime.

None of these countries ever are condemned by the Human Rights Council for their rampant human rights violations, nor is Iran, nor is Syria. But the Council has devoted 80 percent of its resolutions and about half of its special sessions to bashing the democratic Jewish State of Israel, and it has passed numerous other anti-freedom measures.

The administration's decision to join the Council, and the last year of the U.S. membership on that Council, have not changed these grim facts, lamentably. When the deck is stacked, when the fix is in against freedom and against democracy, the answer should be not to participate and instead vote ''no.'' The answer is for the U.S. and other responsible nations to walk out and demand better.

Today, however, in this legitimate and distinguished House, I will proudly vote yes on this resolution. I encourage all of my colleagues to do the same.

I thank my good friend and colleague from New York, Mr. CROWLEY, for cosponsoring this resolution with me; I thank our wonderful chairman, Chairman BERMAN, for agreeing to move it so promptly for floor consideration; and I again thank my good friend from Nevada, Ms. BERKLEY, for also standing on the side of Israel, always standing on the side of freedom and democracy.

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

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

Mr. Speaker, I think it is plain to see from the words of my esteemed colleague, it is plain to see Israel's extraordinary impact on the global economy. Its accession to the OECD will have a positive impact on our global economy at a time when our economy is suffering worldwide.

It would be my hope that the Palestinians, rather than to continue to refuse to make peace with Israel, to continue its terrorist attacks on innocent Israelis, its continuance to refuse face-to-face negotiations with the Israelis for peace, to actively incite anti-Semitism and hatred towards Israel, and to continue its attempts to delegitimize Israel's very right to exist, that perhaps instead it would be more worthwhile for the Palestinian people if its leaders would work with Israel to improve its own economic situation, to raise the Palestinian people from the misery, poverty, and squalor in which they live, and in which they continue to live, not because of the Israelis' success, but because of the lack of movement on the part of the Palestinian leadership that continues to use and abuse their own people and attempt to delegitimize Israel's very right to exist.

Mr. GRAYSON. Mr. Speaker, I rise in support of House Resolution 1391, congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development.

On May 10, 2010, 31 OECD member states unanimously agreed to invite Israel to become a member of that organization. The OECD noted in a statement that ''Israel's scientific and technological policies have produced outstanding outcomes on a world scale.'' Israel's finance minister, Yuval Steinitz, described Israel joining the OECD as ''a badge of honor'' for Israel, which was one of the few economies to show growth in 2009 during the world economic crisis.

It is critical to recognize the importance of Israel's involvement now and in the future in international organizations. I stand with my colleagues in commending President Obama and the administration for the integral role it played in Israel's successful bid for accession to membership in the OECD. This only furthers to strengthen the bonds between the United States and Israel.

Ms. SCHAKOWSKY. Madam Speaker, I rise in support of H. Res. 1391, a resolution congratulating and commending Israel for its accession to membership in the Organization for Economic Co-operation and Development, OECD.

On May 10th, it was announced that OECD member states had unanimously voted to extend membership to Israel. This landmark vote recognizes Israel's economic strength, and it is a clear victory over efforts to marginalize and delegitimize the country. Israel's accession to the OECD will speed its economic integration into the global community and provide increased opportunities for foreign investment.

Despite living under the constant threat of terror and war, Israel has developed one of the world's most robust economies. Last year, Israel boasted one of few economies in the world to show growth during the economic crisis. OECD has predicted a 3.5 percent increase in Israel's economy in 2010.

I visited Israel in early April and saw a modern, vibrant economy driven by scientific and technological advancement. While international attention remains fixed on the politics of the region, the OECD vote is a critical recognition of Israel's robust economy and ongoing innovation.

Last week, I joined over 30 of my colleagues in signing a letter to President Obama, thanking him for his administration's strong support of Israel's bid, as well as a letter to OECD Secretary-General Angel Guria expressing appreciation for the OECD vote.

Mr. Speaker, I strongly support Israel's accession to the OECD, and I encourage my colleagues to join me in supporting this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1391, as amended.

The question was taken.

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

Ms. BERKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 5 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

House Resolution 1347, by the yeas and nays;

House Resolution 1385, by the yeas and nays;

House Resolution 1316, de novo; and

House Resolution 1169, de novo.

Remaining postponed votes will be taken later in the week.

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

HONORING WORKERS WHO PERISHED IN DEEPWATER HORIZON ACCIDENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1347, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1347.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 28, as follows:

[Roll No. 302]

YEAS—403

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
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
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
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
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
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)
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
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
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Andrews
Barrett (SC)
Becerra
Boren
Brown, Corrine
Cassidy
Cole
Conyers
Culberson
Davis (AL)
Gohmert
Graves
Grijalva
Hirono
Hoekstra
Honda
Jackson Lee (TX)
Kilpatrick (MI)
Larson (CT)
Linder
Maloney
McClintock
Petri
Radanovich
Ryan (WI)
Tiahrt
Tierney
Woolsey

□ 1817

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 302, had I been present, I would have voted "yea."

Mr. CASSIDY. Madam Speaker, on rollcall No. 302 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 302, had I been present, I would have voted "yea."

RECOGNIZING AND HONORING MEMBERS OF ARMED FORCES AND VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1385, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 1385.

This will be a 5-minute vote.

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

[Roll No. 303]

YEAS—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
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
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
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)
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
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Barrett (SC)
Becerra
Boren
Brown, Corrine
Conyers
Culberson
Davis (AL)
Graves
Hoekstra
Jackson Lee (TX)
Kilpatrick (MI)
Maloney
McClintock
Petri
Ryan (WI)
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1826

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Madam Speaker, on rollcall Nos. 302 and 303, I was unavoidably detained. Had I been present, I would have voted "yes" on both votes.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1316, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1316, 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.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 23, as follows:

[Roll No. 304]

AYES—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Culberson
Cummings
Dahlkemper
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
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords

Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
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
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
Young (AK)
Young (FL)

NOT VOTING—23

Andrews
Baird
Barrett (SC)
Becerra
Bilbray
Boren
Brown, Corrine
Brown-Waite, Ginny
Conyers
Cuellar
Davis (AL)
Flake
Graves
Gutierrez
Hoekstra
Jackson Lee (TX)
Kilpatrick (MI)
Maloney
McClintock
Petri
Price (GA)
Ryan (WI)
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1834

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING 125TH ANNIVERSARY OF ROLLINS COLLEGE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1169, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1169, 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.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 371, noes 36, not voting 24, as follows:

[Roll No. 305]

AYES—371

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
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)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (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
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
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 (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
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)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—36

Akin
Boustany
Broun (GA)
Burton (IN)
Cao
Carter
Cassidy
Coffman (CO)
Emerson
Fleming
Gingrey (GA)
Granger
Hall (TX)
Hensarling
Herger
Hunter
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Kingston

Lamborn	Neugebauer	Schock
Lee (NY)	Rogers (KY)	Shadegg
Luetkemeyer	Rohrabacher	Westmoreland
McHenry	Scalise	Wilson (SC)
Myrick	Schmidt	Young (AK)

NOT VOTING—24

Andrews	Davis (AL)	Kilpatrick (MI)
Baird	Edwards (TX)	Maloney
Barrett (SC)	Ehlers	McClintock
Becerra	Frank (MA)	Petri
Boren	Graves	Rogers (AL)
Brown, Corrine	Gutierrez	Ryan (WI)
Brown-Waite, Ginny	Hoekstra	Scott (VA)
Conyers	Jackson Lee (TX)	Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1843

Mr. LAMBORN changed his vote from ''aye'' to ''no.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "aye" on final passage of H. Res. 1347, "aye" on final passage of H. Res. 1385; "aye" on final passage of H. Res. 1316, and "aye" on final passage of H. Res. 1169.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on May 26, 2010, I was called away on personal business. I regret that I was not present to vote for H. Res. 1347, H. Res. 1385, H. Res. 1316 and H. Res. 1169. Had I been present, I would have cast a "yea" on all of these votes.

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. MARSHALL. Madam Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 5136.

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

There was no objection.

ELECTING A MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Ms. ZOE LOFGREN of California. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1397

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Critz (to rank immediately after Mr. Garamendi).

(2) COMMITTEE ON SMALL BUSINESS.—Mr. Critz (to rank immediately after Mr. Nye).

Ms. ZOE LOFGREN of California (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICANS DESERVE ACCESS TO PUBLIC LANDS

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

Mr. HASTINGS of Washington. Madam Speaker, millions of acres across our Nation are owned by the Federal Government, including national parks, forests, monuments, wilderness areas, and other lands. These lands belong to the American people and should be accessible to the public to enjoy.

The Hanford Reach National Monument located in my hometown includes Rattlesnake Mountain. I've been to the summit of Rattlesnake Mountain, and it provides unparalleled views of the Monument, Hanford, and the Columbia River, and everybody should have an opportunity to appreciate that.

I'm introducing legislation that would ensure public access to the summit of Rattlesnake Mountain. My bill simply is about making sure that land owned by the American people is accessible to the entire Tri-Cities community—not something to be admired from afar and from behind a fence. Recognizing that people are allowed to go to the top of Mount Rainier, there is no reason why safe and regular access to the summit of Rattlesnake Mountain for the general public cannot and should not be provided.

ON THE PASSING OF JUDGE EDWARD DAVIS

(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, yesterday a giant in South Florida passed away. He was a dear friend of mine, Judge Edward Davis, and a dear friend of all in America that are in the constant quest for justice. I have not had an opportunity to speak with his wife Patricia, but I did mention briefly last night that I offer she and the family my most sincere condolences.

I intend at the appropriate time in the CONGRESSIONAL RECORD to commemorate Ed—and we call him Ned—by referring to the awesome career that he had and the significant number of undertakings that he put forward either as a lawyer or as a judge or as a citizen in Miami, Dade County, and throughout Florida and this Nation on behalf of the Southern District of Florida.

He will be sorely missed. He was an extremely tall and giant of a man with as big a heart as was the fact that he was tall. I will sorely miss him. The Southern District of Florida and all of their judges; Judge James Lawrence King and he were good friends. Ned and I went on the bench together at the same time, and it hurts me and it hurts our community that he is gone.

That said, Mr. Speaker, I will commemorate his memory more appropriately as time progresses.

NATIONAL MEDIA IGNORE PRESIDENT'S LOWEST-EVER APPROVAL RATING

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

Mr. SMITH of Texas. Mr. Speaker, President Obama's approval rating hit a new low this week according to a Rasmussen public opinion poll. Just 42 percent of Americans approve of the President's job performance. By a margin of almost 2–1, more Americans strongly disapprove of the President rather than strongly approve and fewer than half of those in the President's own party strongly approve of his job performance.

Not surprisingly, the national media have mostly ignored these results. The New York Times, The Washington Post, The Los Angeles Times, and USA Today—among many others—failed to mention the Rasmussen poll. In contrast, during former President George W. Bush's administration, the national media frequently reported polls showing any falling approval rating.

The national media should report the facts, not practice double standards.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

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

Mr. TONKO. Mr. Speaker, I rise today to discuss the 13th annual Congressional Renewable Energy and Energy Efficiency Expo and Forum that is slated to take place tomorrow. The topic of this expo is especially timely. Last year, China invested $34.6 billion in clean energy while the United States invested $18.6 billion, a distant second. We have an energy problem, and we need to address it.

At this forum, there are over 50 businesses, clean energy trade associations, government agencies, and energy policy research organizations that will be

showcasing their technologies. On efficiency: We should drill and mine energy efficiency the way we are so gluttonously dependent on drilling for oil and mining for coal. On renewable energy: We should invest in sustainable energy and new technologies to build our energy independence and to once again create American manufacturing jobs.

I ask my colleagues to join me in welcoming this year's participants at the expo and encourage my colleagues to stop by the Cannon Caucus Room to see the exhibits.

TIME TO MAKE A PERMANENT FIX TO THE MEDICARE PAYMENT FORMULA

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

Mr. BURGESS. Mr. Speaker, we find ourselves up against another deadline for the so-called ''doc fix,'' and this happens because this Congress lacks the courage to solve the problem. The fact is, Mr. Speaker, the longer we put off doing a permanent fix, the more expensive it gets. If the problem had been fixed 5 years ago, it would have cost $49 billion.

Here is an ad that the AMA has been running in some of the papers here on Capitol Hill. The cost to fix the bill now is $210 billion, but if we wait 3 years, it almost doubles to $396 billion and then balloons to half a trillion dollars in 5 years.

But there is a better way. H.R. 3693 would make a permanent fix to the formula Medicare uses to determine payments to doctors, and it's critical for our patients because patients cannot get access to a Medicare physician because, consider this, Medicare physician payment rates are about where they were in 2001. Medical practice costs have increased more than 20 percent. What's worse, the current fee pays doctors less each year for performing the same procedures.

I urge the Congress to pass a reasonable Medicare physician fix. The time has come and gone.

FINANCIAL GAMES

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

Mr. GARAMENDI. Mr. Speaker, I'm astounded. I'm astounded with what I just heard. This is a problem that was actually created nearly a decade ago by the Republicans as they were playing financial games. And to stand here on the floor and say this has to be fixed now, yes, indeed it does, but indeed it is the Republican Party that has prevented us from fixing it. That's going on right now as the negotiations take place on the American Jobs Act and corporate tax loophole closing—closing the tax loopholes on corporations that are in fact shipping jobs offshore.

I would ask the Republicans in this House to stand with us and do a permanent fix. It can be done. But it's not going to be easy. We need to raise the tax revenue. A good place to raise it is from those corporations that are shifting jobs offshore.

NATIONAL GUARD SENT TO BORDER OR MAYBE NOT

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

Mr. POE of Texas. Mr. Speaker, the administration announced they're deploying 1,200 National Guard troops to the border. That sounds mighty good, but not so fast.

It appears troops aren't really going to the border. It seems they're sending the National Guard troops 20 miles behind the border to do computer support work. Well, we can hire a Geek Squad to do that. The National Guard troops need to be on the border and they need to be armed so they can defend themselves. And they need realistic rules of engagement.

One border patrol official said that sending unarmed National Guard troops to the border amounts to the border patrol guarding the National Guard. Our current border philosophy is to try to capture people when they cross the border. Once they've crossed, if we capture them, then we have to deal with the consequences—like deportations, prosecutions, drug gangs in our jails, et cetera. Why are we letting illegals cross in the first place?

It seems to me we need boots on the border, not 20 miles behind the border guarding computers.

And that's just the way it is.

BUY AMERICA

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

Mr. MURPHY of Connecticut. Mr. Speaker, in the last year of the Bush administration, the Department of Defense, under President Bush, authorized a 450 percent increase in the number of waivers we grant to this Nation's Buy America law, allowing in just 1 year thousands of American jobs to be sent overseas using U.S. taxpayer dollars.

We have the defense reauthorization bill on the floor this week, and we have a chance to say no more, that one of the best ways to grow our domestic economy is to make sure that our own U.S. taxpayer dollars, 70 percent of which are used with respect to U.S. procurement on defense items, stay right here in this country.

The stimulus bill is working. It's creating American jobs. But without spending one dime more of American money, we can stop this trend of more and more waivers being granted to the Buy America laws and apply U.S. taxpayer dollars to create U.S. jobs.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. POLIS). 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.

SENIORS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to speak about an issue of concern to seniors in my district and around the country. I'm proud to support the Seniors' Bill of Rights crafted by the Democrats' Seniors Task Force, and am committed to its goals. These goals include helping seniors achieve financial security by staying in their homes, finding jobs, and receiving quality, affordable health care.

Our seniors made this country what it is today—fighting overseas for our freedom, serving as the backbone for an economic boom in the post-war years, and providing critical leadership in our communities.

Today, I want to address a fundamental flaw in the Social Security system that I want to correct in the coming weeks: Social Security disability fraud. We are all aware of the disability backlog and the steps Congress is taking to reduce it. Due to dedicated oversight and strong action since the Democrats took back the majority in Congress, the backlog is being reduced. What is less commonly known is that some disability insurers are purposely adding to this backlog.

□ 1900

They have forced policyholders to apply for Social Security disability benefits or else they withhold payments. They do this even when they know the person is ineligible for Social Security disability benefits.

Here is where the fraud comes in. Disability insurance pays out when you are hurt and unable to perform your job. Social Security is there when you are so hurt that you cannot perform any job.

If a neonatal nurse, for example, injures her shoulder in a car accident and can no longer pick up infants, she can no longer do her job and is eligible for temporary disability benefits from her insurer. Because this nurse is still capable of serving a full career as a nurse in a number of other settings, she is not eligible for Social Security disability.

This isn't a hypothetical situation. It is an actual case pulled from a lawsuit against one of the disability insurers that was defrauding Social Security.

The disability insurer forced the nurse to commit fraud by forcing her to apply for Social Security disability, even though they knew the full extent of her injuries still meant that she

could work as a nurse in other capacities.

These insurers have access to medical records and know full well when their customers are unable to perform any job. Yet they mandate that all of their customers, even those who are only temporarily injured, apply for Social Security disability. This adds to the backlog and costs taxpayers millions of dollars, all because insurers want to delay paying legitimate claims.

My legislation would require that insurers play by the same rules that they require of individuals. If an insurer is going to mandate a policyholder apply for Social Security disability, that insurer should have to certify to the government that the claim is a legitimate, permanent claim.

This legislation will root out this practice so that bad actors won't be able to clog the system with frivolous claims. When frivolous claims are weeded out, access for legitimate applicants increases and the time to process legitimate claims decreases.

This is just one of the issues I am working on to benefit California's seniors. I look forward to working with my colleagues and passing this bill into law.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMALL BUSINESS JOB CREATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise to express my thoughts on a matter of deep concern to me, small business job creation.

We have seen a lot of progress this year. Our economy has created over 500,000 jobs in 2010 alone. Last month, 290,000 jobs were created, with 231,000 of them in the private sector, the largest number of new jobs created in the last 4 years. While these are great statistics, we still have a long, long way to go. It will take time to recover the 8 million jobs lost over the course of this recession.

One positive thing that Congress could do to support jobs is to do all that we can to support small businesses. With two out of every three new jobs created by small businesses, they are the driving force of our economy. Unfortunately, they have also been the hardest hit by the recession, having lost over 2.4 million jobs.

As President Obama indicated in his meeting with the small business leaders, this is the Nation where anyone with a good idea and the will to work hard can succeed, and I agree with President Obama.

New York City is no stranger to good ideas, hard work, or small businesses. The city is home to over 200,000 small businesses which create hundreds of thousands of jobs, provide valuable goods and services, and help drive our local economy.

While the government can't get small businesses through all of the tough times, it can remove barriers that prevent businesses from growing and being able to succeed. We must do all that we can to support the work of the countless entrepreneurs that sustain our economy.

I encourage my colleagues in the House and in the Senate to work together to enact policies that will support small business job creation. We must work to eliminate these barriers and to permit people to be able to expand their businesses and to be able to create jobs.

We need to make certain that folks have an opportunity to work. We have people that have gone to college and are coming out with degrees and still cannot find a job. I think the time has come when the Congress must come together and create jobs and job opportunities for these young people in particular that want to work but are being denied the opportunity because they lack a job.

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.)

YOUCUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, last evening I spoke on the House floor about the newly devised YouCut program and how it undercuts our representational responsibilities as Members of Congress.

I would like to revisit this theme, which has become a recurring one, given the Republicans' most recent efforts.

I repeat, government by referendum is not representation. Just because 81,000 people voted for a program in a Republican ploy doesn't mean that it is the will of the American people or informed policy.

Let me make it very clear: Referenda have their place, but in this, the world's greatest deliberative body, we are not in the position of needing to have that kind of ploy put forward here in this body. Republicans seem to think that online gimmicks are an effective substitute for good government.

What they fail to understand is that national policy cannot be made in a matter of minutes or within a few clicks of a mouse. Instead of worrying about friend requests, Republicans should contribute to meaningful debate. If they did, then they would have known that according to the nonpartisan Center on Budget and Policy Priorities, cutting funding for the Temporary Aid to Needy Families Program, as they attempted to do, would have resulted in 100,000 people losing their jobs.

This Chamber isn't going to be fooled or bullied or be controlled by the misguided ideological intention or misleading rhetoric of the few. Republicans have called for voter input on programs of national significance in the name of civic participation. But spreading misinformation is not in the best interests of the American people.

To the contrary, it is only in the best interests of the Republicans and their agenda. Not only are the summaries provided on YouCut, which I have called CutYou, inaccurate, they are specifically written to elicit a specific response.

As I have said, I do not fault my friends on the other side of the aisle for taking their upcoming election campaigns into consideration and doing those technological undertakings that they deem necessary for themselves. What I do fault them for is wasting the time of this Chamber with their ulterior motives and legislative tricks. They are playing with short-term decisions that have long-term consequences.

YouCut provides no effective way to change policy, does little to reduce our Federal deficit, does nothing to allow for people to talk about saving themselves, and hurts everyday Americans, especially the poor and the elderly, who probably, some of them, cannot participate in their poll for the reason that they don't have BlackBerrys and computers.

Instead of continuing to be the Party of No, Republicans should say ''yes'' to the American people and help pass the legislation that this Nation needs and deserves.

I urge my Republican friends not to undercut with their CutYou YouCut representational democracy and not just substitute selective, push polling, robotexting, tooting and tweeting for the work of the greatest deliberative body in the world.

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.)

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. BEAN) is recognized for 5 minutes.

Ms. BEAN. Mr. Speaker, I rise this evening to recognize National Small

Business Week. This year marks the 47th annual Small Business Week, during which we honor the immense contributions of entrepreneurs, their companies, and their workforce to our country.

Our Nation's economic rebirth relies on the ability of our community businesses to innovate, develop, and market solutions that deliver measurable value to their clients. Their growth and success creates up to 80 percent of new jobs in our Nation, including 25,000 already this month.

As a former business owner, I recognize today's many challenges, including getting access to capital, lowering energy costs, funding R&D, workforce training, and improving efficiencies.

When I host Small Business Federal Resource Seminars in my district, I encourage community businesses to connect with Federal agencies whose resources and programs could be useful to their operations, including—I have the SBA come out and share information with our businesses about 504 and 7(a) and Express loan programs. We also talk about small business development tools from the SBDCs.

The IRS is available to provide information about small business tax incentives, which include 179 expense provisions and bonus depreciation, the NOL carryback that has already refunded $2.6 billion to small businesses that had been in the stimulus, so that as they had been profitable in previous years, they can get those dollars back at a time they need to cover payroll and operating expenses. There are also tax credits for health care, which the IRS elaborates on as well.

The Commerce Department talks about export programs, and the Department of Energy talks about Webinars and grants, tools, and incentives for energy development and energy efficiencies.

Small firms are the engine of our U.S. innovation and competitiveness, producing 13 times more patents for employees than those in larger firms. And they support our communities. In addition to goods, jobs, and services, small firms invest in local real estate. Their suppliers grow as they grow, and they contribute to charities and provide leadership and mentoring services to their neighbors.

To help small firms weather the recession and access the capital that is critical to their growth, Congress and the SBA have stepped up. The Recovery Act included $288 billion worth of tax cuts, not just to 95 percent of working Americans, our consumers, but business incentives as well, including bonus depreciation, 179 expensing, the NOL carryback, and capital gains exclusions for small business stock. The first-time home buyer tax credit helped bring 700,000 new buyers back into the market.

This broad-based stimulus went further with infrastructure investment in roads, bridges, energy, and water projects, and included investments in education, smart grid technology, and health IT.

We have seen a positive return. GDP growth has gone from negative 6 to positive 6 since the stimulus, and U.S. manufacturing is now growing at its fastest pace since 2006. While these signs of recovery are encouraging, more needs to be done.

Creditworthy businesses need to have access to working capital, and many need to restructure their debt in the months and years ahead. When businesses can't access financing, they delay contracts, hiring, equipment purchases, and other expansions.

The Recovery Act provided higher guarantees and reduced fees on SBA 7(a) and 504 loans. Since its passage SBA has driven over $27 billion in small business loans into the hands of our community businesses, yet many are still struggling to access affordable capital. Banks are operating under tightened lending standards and have greater risk aversion and greater exposure to the instability of the commercial real estate market.

□ 1915

Their strained balance sheets make it difficult to continue extending credit, where appropriate, to small businesses.

The experience of the Recovery Act has shown that the SBA guarantee can make a difference for an entrepreneur in need of capital. When it comes to Congress' approach to fostering recovery, every week must be Small Business Week.

My colleagues and I will continue to address the capital access gap with measures we move forward in the weeks ahead. Congresswoman DAHLKEMPER and I have a bipartisan measure to increase the maximum loan size and guarantee on the SBA express loan, a critical tool that provides working capital so firms can restock inventory and make new hires.

Today I introduced the Small Business Asset Investment and Modernization Act, which will enhance the SBA 504 loan program for commercial real estate, buildings, and heavy equipment.

Businesses are facing a collateral program as their loans mature and their equity is down in value. Many small business owners obtained loans during the bubble, getting loans at inflated appraised values on their property or with balloon payment structures. Banks are reluctant to restructure debt, particularly if the borrower is equity challenged or if the bank is capital challenged.

My bill will temporarily enable business owners to refinance their commercial real estate debt through the 504 program, addressing an acute near-term need in that sector. Over the next few weeks, I look forward to advancing these and other initiatives to help our growing businesses get the capital they need.

I urge my colleagues to join us in moving forward on further programs to support the work ethic and entrepreneurial spirit of our small businesses, the cornerstone of our economy.

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.)

OUT OF AFGHANISTAN CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in the year 2005, I joined my colleagues and fellow Californians, MAXINE WATERS and BARBARA LEE, and other strong progressives in forming the Out of Iraq Caucus. That group was critical in galvanizing support for an end to the Iraq war and a return of our troops safely home.

Before we formed the Out of Iraq Caucus, Mr. Speaker, questioning the occupation of Iraq was considered a political death wish, but because we had the courage to speak out and to organize, ours became a firmly mainstream position. Without the work we did and the pressure we applied and the growth of our Out of Iraq Caucus, we would not be poised for redeployment out of Iraq later this year.

It's now time for those of us who oppose the war in Afghanistan—a bloc that's growing every single day—to do the same thing. I urge Members on both sides of the aisle to join the new Out of Afghanistan Caucus, formally launched by my friend Mr. CONYERS from Michigan.

As Afghanistan becomes more bloody, more expensive, and, frankly, more hopeless, we must rally with the same sense of purpose and fearlessness as we did in 2005 in the debate over Iraq. Every day, it seems, brings more bad news out of Afghanistan. The United States death toll has topped 1,000. According to news reports, for the first time we now have more troops in Afghanistan than we do in Iraq, and the combined costs of both wars is fast approaching $1 trillion—that's trillion with a ''T,'' Mr. Speaker.

The American people are losing patience with this war, and who can blame them? For 8½ years, they have sent their finest men and women and their hard-earned taxpayer dollars halfway around the world only to find that the Taliban is resurgent, the terrorist threat remains strong, and Afghanistan remains mired in corruption, violence, and poverty. At just the moment when we need to draw down, we are doubling down. We're pouring thousands of troops into Kandahar for an all-eggs-in-one-basket offensive that no one seems confident will succeed.

With all that in mind, how can we, in the House of Representatives, not

speak with a louder and more unified voice against this war? But we in the Out of Afghanistan Caucus are not calling for an abandonment of the country. We just believe that a military occupation, which has had nearly a decade to work, can't achieve the objectives of stability and security for the Afghan people.

What we need is diplomacy. We need humanitarian aid, support for democracy building and civil society programs. What we need are more resources for agriculture, education, and infrastructure. These are the tools of a smart security strategy that can empower the Afghan people in a way that sheds no more blood.

Mr. Speaker, warfare has only led to more warfare, emboldening the very enemy we're trying to defeat. A peaceful civilian surge is actually the only answer.

I ask my colleagues to join me in becoming a part of the Out of Afghanistan Caucus and help bring our troops home.

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 Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the people of Ukraine have been struggling to achieve a fair, independent, and strong democracy since the oppressive Soviet yoke was shed in 1991, but recent events in the southern Ukrainian city of Zaporozhia have raised alarm.

A seven-foot tall statue of Joseph Stalin, the World War II Communist tyrant of the Soviet Union who was responsible for the Holodomor famine genocide in which millions upon millions of people starved to death, as well as the deaths of millions of Ukrainians, Pols, Russians, and so many others inside that tyranny, has been built outside of the city in front of the Communist Party headquarters. Even worse, Zaporozhia authorities just denied opposition groups the right to assemble to object to the statue's public display.

Since World War II, the world has come to know that Joseph Stalin killed over 50 million people inside those borders, and the repressive legions that supported him were responsible for such agony for so many. The elevation of Joseph Stalin with a monument is an affront to those who have fought for freedom around the world. Just as a monument to Adolf Hitler in Germany would be unacceptable, freedom lovers simply cannot stand by silently while a monument to Stalin, the mass murderer of the 20th century, is erected in Ukraine.

The story of U.S. citizen Eugenia Sakevych-Dallas, a survivor of the famine genocide in Ukraine, can clearly express how Ukraine and her people were treated under the iron fist of Joseph Stalin. She describes herself as a survivor of the forced famine in Ukraine of 1932–1933. She recounts: It is with tears of joy for the future and salty tears of pain for the past that I write this account of my survival. It is the bone-chilling nightmare of every child to have their parents dragged away by force, never to see them again; siblings sent to prisons, parents sent to their deaths.

She was born in Mykolaiv Oblast and came from a happy family living off the land, but that happiness was stolen when, at the age of 5, they were forced to give away their home, their land was confiscated, and all their domestic animals were taken from them. Like many Ukrainians, they were left on the streets to starve. They were called ''Kulacs''—enemy of the people. Her father was arrested first. The Communists came and picked up her family one by one, leaving her an orphan, an orphan crying with unbearable psychological wounds, alone, afraid, and starving.

She remembers her beloved mother during that time trying to feed the children, doing what any mother would to care for her offspring. She found a few rotten potatoes in a field, and, for this, Stalin's lieutenants arrested her and she was sent to Siberia. The prisons during that time were overpopulated with people who had done nothing but try to survive.

Memories flood back to her, as do tears, and she remembers the long, long lines of men waiting for stale, molding half loaves of bread for hours upon hours. Etched in her mind is one man whom she did not even know that finally reached the end of the line and, with starvation in his eyes, grabbed the little loaf and started to bite into it, swallowing it as fast as he could and then dropping dead right in front of her.

Starvation is an odd thing, she writes. An empty stomach taking in bread is like swallowing cement. It does not absorb the nutrients. It hardens and kills the human body. I lost my dear sister to starvation, a forced death, legalized murder, or murder that the Communists, at Stalin's behest, decided was mercy killing.

They were constantly on the run while her family was being picked off one by one by the Communists. And as starvation took hold of the Ukrainian people, hatred filled their hearts for Soviet Moscow. Many faces still haunt her today—the trains of people, families, old, young, starving, sick, hauled off with standing room only in those box crates. She became one of the children of the street, one of the few survivors of that tragic time in history who ate grass, pinecones, and anything that was chewable in the shadows, afraid that they might be taken away. People were begging, starving, eating anything they could find—a dead horse if they were lucky. Thousands of people were falling over dead, millions upon millions of innocent people killed under the Communists.

It was a sad time in history where, during the height of the famine, Ukrainian villagers were dying at the rate of 17 per minute, 1,000 per hour, and 25,000 per day, leaving only a few survivors to keep the history alive. They were stacked up like logs.

The horror and panic of that time of tyranny is still with her. The hunger that plagued Russia and tortured the Ukrainian people in their scheme to slaughter and take over and annihilate the middle class, she says, Let us not forget. It is our duty to bring the memories and truth to the world. We must expose the hardships, the horrors, and the truths so that these atrocities never can happen again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

(Mr. BOOZMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SENIORS TASK FORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. SPEIER) is recognized for 60 minutes as the designee of the majority leader.

Ms. SPEIER. Mr. Speaker, the Democratic Caucus feels very strongly that seniors in America count and, in so doing, created a Seniors Task Force cochaired ably by Congresswoman SCHAKOWSKY of Illinois and Congresswoman MATSUI of California. And we thought it was fitting tonight, this being the month in which we honor seniors, to spend an hour talking about the seniors of America.

There are 45 million seniors in this country, and they have the right to ask us what have we done for them lately. And tonight, we're going to ask that question, and we're going to answer it.

First of all, I think we should focus in on Wall Street, and our message is

''When Wall Street gambles, she loses.'' So part of what we want to focus on tonight is the reforms on Wall Street that will protect seniors in America.

The biggest winners, we suggest, in the Wall Street reform are people over the age of 50, who hold 70 percent of the Nation's wealth. Oftentimes, seniors don't realize how big their assets really are or how valuable they are, and they become ripe for scam artists to take them on a wild ride that oftentimes means that they lose the very assets that they have held so dear. Seniors often have caregivers they share their financial data and information with and, oftentimes, can be exploited by those very caregivers.

So we have created a Senior Financial Bill of Rights, which I would like to share with you right now. And the Democrats believe that there are four simple principles that we espouse on behalf of seniors.

The first is the right to simple-to-understand and suitable financial products. Now, this would seem so very obvious, but I'm going to share with you a couple of stories that suggest seniors become the most vulnerable population in terms of being captured by an industry that has plagued us with all kinds of financial products that are not understandable.

I first want to talk about a 67-year-old retired widow living alone in a home she's had for 24 years. She recently got a part-time, minimum wage job as a kitchen helper that helps with her expenses. She's getting $500 a month for that. She gets $973 a month in her Social Security benefits. And the balance due on her home is $90,000.

□ 1930

Now, her husband died in 2003, and she was having a hard time making those mortgage payments, so she went to Wells Fargo and got them to offer her a reverse mortgage. In so doing, she was able to pay off her regular mortgage and did not have payments for as long as she continued to live in the home, which appeared to be a good result.

Yet, in 2007, agents working for World Savings in Orange County, California, found her 500 miles away in Yuba City, California. In a series of phone calls, they convinced her that Wells Fargo was demanding the repayment of her reverse mortgage because home values were declining to levels of less than the loan balance. They convinced her that Wells Fargo would foreclose if she did not refinance to pay off the reverse mortgage. She was confused and frightened, and she did not understand the reverse mortgage for which she had paid $11,000 in origination fees.

So, before long, she was into yet another mortgage with an adjustable rate mortgage and was paying $4,000 a month at one point. Even the lowest payment option constituted 68 percent of her Social Security income—an absolute nightmare. She made three payments out of savings and then gave up. The trustee sale was first set for January 2, 2009. A legal aid attorney came to her benefit and was able to postpone the sale of her home, and negotiations continue today.

This is a real story. She is a real person in California who was not given the right to a simple-to-understand and suitable financial product. That is, in part, what we are going to make sure happens as a result of the Wall Street reform, in part because we are creating a Consumer Financial Protection Agency so that this kind of activity can't continue to go on.

In another case, a 90-year-old California retiree was sold a $100,000 annuity in 2001. He would have to live to be 100 to have unfettered access to his money. Instead, he died at 91, and his heirs were hit with an $11,000 surrender charge.

In another example, an 83-year-old woman was sold a $125,000 annuity in 2002. According to her son, she suffered from dementia and believed she had access to her savings when she had to enter a nursing home. In fact, she would have to pay exit penalties of 25 percent if she withdrew more than 10 percent of her money in any year during the first 6 years of the contract. So, when she died in 2004, her son had to pay—now, are you ready for this?—a $50,000 surrender fee.

That's why we need a Consumer Financial Protection Agency in this country, because that kind of activity goes on and has gone on. While you may suggest that it's ''legal,'' it's totally unethical, and the CFPA will provide that kind of protection for seniors.

I am going to go to these other senior financial bill of rights later on in the hour. I would now like to yield to Congresswoman KILROY as much time as she may consume.

Ms. KILROY. Thank you very much, Congresswoman SPEIER. I appreciate what you had to say. My heart goes out to those seniors who have been abused by predatory lenders, by predatory practices, by scam artists, and by fraud. This is why we need to take action. As you say, the Wall Street Reform Act is going to help us to do just that—to protect seniors.

When I think about what seniors need, they need, of course, personal security. They need to live in safe and livable communities. They need access to health care. With our recent health care bill, we are working to give seniors greater access to health care, to strengthen Medicare, to give greater choices in preventative medicine, with co-pays, and to close the Medicare doughnut hole. That is part of their security.

Also, there is financial security so that they can live the rest of their lives secure that their money is going to be there, that their life savings aren't going to disappear because of the excesses and the risk-taking of Wall Street or that they will become victims of predatory lenders who convince them that they'll need reverse mortgages or that they'll need to take out loans on homes that are already paid for.

This happened to a widow in my community. She was told that she needed to take out this loan. She didn't ask. She got cold-called by the predator and found out that she was tangled up in a financial mess that put her home in jeopardy. She is not the only one who has been in this position. We heard from the consumer law agency and also from AARP that seniors are frequently the victims of predatory lenders in this kind of practice. That's why the Consumer Protection Agency's taking a special look in protecting older Americans is so necessary.

What did Wall Street and others do? What is their connection to these predatory lenders?

Well, they got into this game of getting more and more mortgages, so-called Alt A, subprime and other kinds of risky mortgages, of securitizing them and then selling them as investments. Some of them, like Goldman, would even bet against those investments in some of their practices. We found out that more and more Wall Street houses were using these subprime mortgages and the sales of those as securities to get more profits for themselves. It was profitable for Wall Street, and it was profitable for Wall Street executives. Compared to seniors, take a look at what the Wall Street CEOs are getting paid.

Lloyd Blankfein: $9 million a year, or $24,657 a day.

Ms. SPEIER. Would you repeat that?

Ms. KILROY. $24,657 a day.

Ms. SPEIER. Isn't that amazing.

Ms. KILROY. The senior, $47 a day—average income—based on the $17,300 average annual income.

Take a look at Jamie Dimon at JPMorgan Chase: $16 million salary, an astounding $43,835 a day. There is John Stumpf. You mentioned Wells Fargo and their practice with the senior in your community. He receives $21.3 million, or $58,356 a day.

That's incredible. That's more than some people make in a year. They were making this every single day and were putting seniors' life savings at risk.

Now, many people got hurt in the Wall Street downturn, but seniors have less time to be able to reinvest and to make up that difference and to recover from what Wall Street did to Main Street. We need to work hard to make sure that seniors are protected from other kinds of scams, and we need to make sure they know, when they get somebody calling them, offering them mortgages that they didn't ask for, that that's an alarm.

When they get somebody telling them that they have to act today, that's another danger sign. They need to be careful of balloon payments, of prepayment penalties and of other kinds of tricks and gimmicks that can make those loans very expensive, that can make it hard for them to get out of

or that can make their money out of reach for a long time.

That's why we need the Consumer Financial Protection Agency. That's why we need an office which will protect older Americans. It will make sure that those kinds of practices aren't happening and that, when seniors get financial information—and when all of us get financial information—that it will be clear and easy to understand, not with pages and pages of fine print.

I was so proud of the credit card bill that we passed in our Financial Services Committee, that this body passed and which was signed into law to make credit card practices much clearer. We need to continue to work to make sure that seniors' financial security is also protected.

Ms. SPEIER. Will the gentlewoman yield?

Ms. KILROY. Yes.

Ms. SPEIER. When you were referring to credit cards, I was reminded that, in 1980, a credit card application was one page long, about 700 words. Today, a credit card application—and, indeed, a contract—is closer to 30 pages. Imagine if senior citizens were trying to wend their way through 30 pages of legalese and knew precisely what they were getting.

Isn't it true that the Consumer Financial Protection Agency is going to simplify that process for seniors and for all Americans?

Ms. KILROY. That is one of the very important things it will do. It will take a look at all of the confusing documents.

One of the charges that was made against one of the financial institutions in this country was that they were pushing some of their predatory lending products by having closing documents that were about as thick as a telephone book. Then they were pushing people, stating they didn't have time during the closings to actually read them: No. You've got to keep moving. You've got to keep moving. People were not really understanding what they were signing in these lengthy documents and in the fine print.

This is an important financial transaction. For many people, buying a home is the biggest financial transaction they're going to make. It has to be a clear and fair document so that it's good for both parties in the transaction, so that it's a good deal for the mortgager, and so that it's a good deal for the person who is taking out that mortgage. That can only happen if it is a contract that is fair and reasonable in its terms so that people can understand what it is they're signing. It is very important for our seniors.

Again, citing AARP and consumer law organizations, we know that seniors are most often the targets of that kind of predatory behavior, and that's what we have to be very careful of. Stand up with our senior bill of rights for financial security for older Americans.

I yield back.

Ms. SPEIER. I thank the gentlewoman for her outstanding comments in protecting the seniors of America.

I now yield to my good friend and colleague from the great State of California (Ms. RICHARDSON) as much time as she will use.

Ms. RICHARDSON. First of all, I would like to acknowledge the co-chairs of our senior task force—Ms. SCHAKOWSKY and Ms. MATSUI. The work that we have been able to do in such a short period of time is amazing.

Of course, to Ms. SPEIER from California, my neighboring home State, I thank her for organizing this hour that we have today.

You know, seniors are the fastest growing segment of our population. Every year, as more and more of the baby boomer generation retires, the number of seniors in our country grows considerably. Currently, one in every eight people in the United States is an older American. Over the next decade, the number of older Americans will increase by 36 percent. That's 5.5 million people. In my district alone, there are over 52,000 seniors. Older Americans are living longer and more active lives. Yet with older ages and longer lives, there come new challenges for us in Congress and in State and local governments to meet. Regardless of our ages or our generations, we have a responsibility to look out for our senior Americans just as our children and grandchildren will hopefully do for us one day.

Last week, I had the pleasure of hosting a 37th Congressional District annual senior briefing. We had over 1,032 seniors. It was pretty amazing to be there and to see everyone coming in, excited to be there. Well, what I want to say is that it was really interesting to me: two-thirds of those individuals drove. Two-thirds of those individuals had computers.

So, when we talk about seniors, it's not the end of the road. In fact, for many—and thankfully so—there are many, many good quality years ahead. What we have the ability to do on this task force is to ensure that they can have good quality lives and will not just simply stay at home, not really able to be productive.

When we had our senior briefing, the seniors were excited, and they were in great spirits. We had a full agenda; and the biggest thing that we talked about, which we spent half of our time on, was understanding the health care bill that this Congress just recently passed and how it benefits them.

The other things, though, that were unfortunate that I learned in that meeting were some of the troubles that some of my seniors were having—trouble staying financially secure in the midst of this recession. Ms. SPEIER talked about what has happened with the actions of Wall Street. Number two, obtaining jobs. Number three, finding affordable housing. For many seniors, they are downsizing and moving into other situations. For the amount of money that they have coming in, it cannot meet the cost of housing today. Finally, we talked about their getting quality health care.

A 2009 study revealed that in California, the State that I come from, over 500,000 seniors are living single and are having a difficult time making ends meet, let alone enjoying their quality of life.

As we move forward to continue addressing the needs of senior citizens, I am proud to be a member of this newly established seniors' task force. We are committed to preserving the rights, as has been talked about so far this evening, and in promoting the interests of America's senior citizens. The seniors' task force will be an excellent vehicle to ensure that the government is working for our seniors and for some of us, if we are so blessed to be, who will be coming forward as well.

At the task force opening press conference last week, we unveiled the senior bill of rights as has been shown. This resolution is an expression of what seniors who have worked most of their lives to make this country a better place deserve in return. There are just a few things:

One, financial security and stability. Two, quality and affordable health and long-term care. Three, protection from abuse, scams, and exploitation. We heard some examples of those this evening. Four, a stronger economy now and for future generations. Five, for a safe, livable community with safe transportation options.

□ 1945

This Congress has recognized the needs of seniors, and we have taken it on straight, without hesitation, that swift and bold action is needed.

In the very first days that Congress was in session for this particular 111th Congress, we passed the American Recovery and Reinvestment Act, also known as the Recovery Act, and many seniors included in that received $250 that was to go towards helping to cover the costs, the rising costs, that many of our seniors are facing.

But then we took another action just about a month or so ago, and that was concerning health care reform. This Congress, this Democratic Congress, took the leadership, without much other assistance except by our help from the administration, to make sure that we could pass health care reforms that would dramatically increase the quality and the affordability of care that our seniors would face.

The health care reform that we did over the next few years will help close the Medicare doughnut hole that keeps many seniors from getting the prescription drugs that they desperately need. The average senior will save $250 in 2010, $750 in 2011, and over $3,000 in 2020 on prescription drugs.

However, one need that we know is also being overlooked and I have been trying to take some leadership on is

the fact that many of our seniors are still working; some because they want to, because they have the ability to and there is much left to contribute, but others because they have to.

These economic woes that our seniors are facing are based upon many factors. Over 40 percent of the seniors in my district rely upon Social Security as their only source of income. I know many seniors who are pinching pennies simply to eat. This isn't acceptable. In fact, it is not even American. There are many seniors in my district who need to continue to work in jobs in order to maintain financial security.

The ongoing economic downturn, which Wall Street greatly, in fact, caused, that national economy that has now adversely affected millions of workers in various age groups has disproportionately burdened workers over the age of 55. Older Americans are experiencing difficult times, and only 55 percent of the jobless older workers have been there long enough to be able to have an extended tenure beyond January of 2008, compared to 72.6 percent of those in the age group of 25–54. A larger share of jobless older workers were paid lower wages in their new full-time jobs, compared to people who are in the age group of 25–54.

We have a responsibility. We have a duty to provide employment opportunities to senior citizens, who still have much to contribute. So I brought forward a bill to add to the great Senior Bill of Rights that we have brought forward, which is H.R. 4819, Expanding the Opportunities for Older Americans Act of 2010.

This bill responds to the need of senior citizen employment opportunities. It will expand senior employment programs for older Americans and create 40,000 new jobs. This bill will also lower the eligibility age for participating members of our society, and it will also eliminate some of the requirements that work against seniors. For example if a senior happens to be married and their spouse is working, many of the current programs that other spouse is not able to take advantage of, and that is wrong.

We must ensure that seniors have financial security and that this economy works for them. We must uphold our end of the bargain to our seniors, who have sacrificed and dedicated so much to this country throughout their lives.

I urge all of my colleagues to join us in this Senior Task Force, not only tonight, when we have started the discussion, but as we move forward the Senior Bill of Rights and many other pieces of legislation that will make a difference.

Ms. SPEIER. I thank the gentlelady from California.

The numbers of seniors in our country is growing exponentially, in part because some of us who are baby boomers are growing older and reaching that age ever so quickly. But I note that while there are 40 million Americans who are now 65, in 10 years that number will more than double to 88.5 million Americans who will be over the age of 65. So making sure that seniors are protected is going to be a more and more significant responsibility for Congress to ensure.

You mentioned the doughnut hole. For seniors who are on Medicare, health care reform has been somewhat challenging, because they didn't know what was in it for them. Part of what we are talking about is what have you done for seniors lately.

The health care reform measure has huge benefits for seniors that are important to underscore, one being that if you do find yourself in the doughnut hole by this fall, you will receive a check for $250. If you are in the doughnut hole come the first of January, you are going to be able to buy your prescription drugs at 50 percent of what the retail costs of them are. And the greatest news of all, and this is a benefit for senior citizens as well as every one of us, and that is for preventative care, there will no longer be a copay.

That kind of gets lost in translation from time to time. But I just had, and I am proud to admit it because I think we all should have colonoscopies after age 50, but I just had a colonoscopy. I got the bill, and we all kind of experience sticker shock when we see those health care bills arrive at our home, and, thank God, we have health insurance, but my bill was over $3,000 for that procedure. Now, a copay on that procedure is like $600.

But moving forward, whether it is a colonoscopy, a mammogram, any kind of screening for cancer, that will no longer carry with it a copay, because we want to incentivize seniors and younger people to actually take advantage of the preventative services that are out there, that really prevent people from getting sicker and requiring more health care and more hospitalization.

So lots of good things for seniors are in health care reform.

Ms. KILROY. That is absolutely correct. If the gentlelady will yield, I congratulate you for taking care of your health and getting those preventative measures taken care of. Even though we don't like to do them, they are good things to do.

Those kind of copays, when you think about what seniors need to pay, with the more frequent medical testing perhaps, or higher costs of prescriptions, maybe taking more prescriptions, therefore more copays on those, the senior cost of living could be higher than the cost of living index for maybe the general population. That is why it is important that they have the economic security that Representative RICHARDSON spoke of.

For seniors, it is sort of like a three-legged stool. One leg of the stool is Social Security; one leg of the stool is personal savings, which we should all be thinking about as we get older; and one leg is also maybe a private pension. Yet this economic downturn has hurt that stool in all of those areas.

With more people unemployed, fewer people are paying into the Social Security system, so that hurts the system as a whole. That is why it is so good that we are focused on jobs and working on jobs, to get more people doing what they want to do and need to do to support themselves, but also being part of the Social Security system.

We know that the Wall Street abuses have hurt in many cases pension funds who invested in risky products, who were sold these products by a company, say, like Lehman Brothers, who then disguised what was going on by these Repo-105 practices, just taking some of the downside that should be on their balance sheet and hiding it when the quarterly reports were due. That has hurt the pension funds that the State employees are involved in in the State of Ohio. It is making that fund take a large economic hit that somehow we have to make up for, or people will not have the same kind of pension benefits that they thought they might have.

Then there is also the personal savings aspect too. We have all seen the 401(k)s have become 201(k)s, as we all know, because of the risky behavior that Wall Street engaged in, and because maybe we don't have the kind of financial literacy we should have in this country.

Again, back to the Consumer Protection Agency and the agency that will protect older Americans that will focus on that, that will make sure the information is getting to people in clear terms, so that they know that when they are investing something, that the person they are investing with is looking out for their interests, for the client's interests, not just simply being selfish and selling them something that is not good for them. And it will help us by ending taxpayer-funded bailouts for Wall Street for any future damages like that.

We want to make sure that we are working hard to stay on top of this thing. But as much as Congress can do, we can't do it every day the same way that an independent office of consumer protection can do, that would have that as their charge and every day be taking a watchful eye on the practices of the investment industry to make sure that these kinds of abuses aren't going on anymore.

Ms. SPEIER. I thank the gentlelady from Ohio.

You know, it would be great for us to focus for just a minute on the prescription for Wall Street reform for the 40 million seniors in America and just kind of list out the protections that are in the Wall Street reform.

As you mentioned, the office of financial protection for older Americans, this is going to be a huge benefit for seniors, because they are going to be able to call this office and say, you know, I have just been offered X. Is this something that makes sense?

Let me give you an example. Sergio Del Toro, he has been banned from the

securities industry for defrauding a 90-year-old Minnesota nursing home resident of $511,000. Mr. Del Toro recommended that the elderly man put his entire net worth into the stock of a firm called Third Dimension, for which there was no market or publicly quoted pricing. Mr. Del Toro's alleged motivation? A 15 percent commission, equal to $76,000.

Now, as part of Wall Street reform, one of the standards that is going to have to be met is, is there a net tangible benefit to the client? Clearly, in this case there was no net tangible benefit. What happened was this nursing home resident lost his whole savings of $500,000, and Mr. Del Toro was the recipient of $76,000 in commissions. Mr. Del Toro is banned from the industry now, but this is another example of why having Wall Street reform is so necessary.

I now yield to one of our newest Members of the House, Mr. DEUTCH from Florida, to have him offer up his thoughts.

Mr. DEUTCH. Thank you very much. I appreciate that.

Mr. Speaker, I rise to join my Democratic colleagues to discuss the challenges facing seniors in America today. I would like to thank the gentlewoman from California, Representative SPEIER, for her ongoing commitment to our Nation's seniors, as well as Representative SCHAKOWSKY and Representative MATSUI for their outstanding work as co-chairs of the Senior Task Force, an effort launched by the Democratic Caucus to protect the health and financial security of our Nation's eldest Americans.

Today I would like to focus on an issue of great importance to me and the many residents in the 19th District of Florida, and that is the issue of Social Security.

Social Security is a sacred trust that provides over 50 million Americans each year with a measure of financial security. In my district and across the country, Social Security guarantees seniors the ability to enjoy their golden years free from abject poverty or financial reliance on their children.

As the representative from Florida's 19th District, I have the privilege of serving so many seniors who fought in World War II and rebuilt this country after the Great Depression. These wonderful Americans have worked hard every day of their lives, and for them, Social Security does what it was designed to do—it provides them with a secure, basic source of income after a lifetime of hard work.

Seniors know they can count on Social Security to never be a day late or a dollar short, and they know that checks will never come back marked with ''insufficient funds.''

□ 2000

Many of my constituents saw their lifelong retirement savings vanish overnight due to the irresponsibility on Wall Street that led into this recession. And many of them lost all of their savings to predatory Ponzi schemes. However, for them, one thing is certain in this time of economic uncertainty: Social Security is still there, on time, every month. This critical program is working just as it should for millions of people.

Mr. Speaker, if President Bush and the Republican Congress had their way and had enacted a risky privatization scheme for Social Security, the savings of all America's seniors would have been gambled away on the stock market.

Today, I stand here with my Democratic colleagues to say that we will never let the private market gamble away the financial security of our Nation's seniors and our Nation's most vulnerable. Mr. Speaker, it's clear the stock market is no place for Social Security. It would take the security out of Social Security.

Just this year, the Republican alternative budget called for cuts in payments to seniors and a risky privatization of the overall system. Clearly, our colleagues on the other side of the aisle didn't run this idea by my constituents who saw what happened to their pensions invested in the private market.

The large, vibrant senior communities of south Florida share a common value: that a lifetime of hard work should be honored with a secure retirement. I stand with them when I say that Social Security must remain a reliable program, not just for this generation of seniors, but for generations of Americans to come.

To the opponents of this popular program, I say that we will tirelessly fight for the due benefits of our seniors who have spent a lifetime of earning. We will not yield. We will not back down. And for this generation of seniors and the next and the next after that, we will not let Social Security be privatized.

And while this social program keeps millions out of poverty, the work of improving how we care for our Nation's retirees has not ended. The current cost of living formula that ties seniors' COLA to the Consumer Price Index tracks inflation across the economy. Our Nation's economic downturn has prevented America's seniors from receiving an adequate cost of living adjustment, and that's not right.

The Consumer Price Index for wage earners tells us that goods and services are less expensive than they were in the third quarter of 2008, but the seniors in my district and across America know that their prices continue to go up. The fact is, our Social Security cost of living calculator is insufficient and just doesn't reflect the true cost of living for seniors. The measurement of determining seniors' cost of living should be indexed to, well, seniors' cost of living.

I have trouble explaining to my constituents that even though their part B premiums went up and their copay went up, and even though prescription drug prices are through the roof, they don't get a cost of living increase because the price of cell phones and supporting equipment went down.

In the worst economic downturn since the Great Depression, seniors are losing their pensions, watching their home values drop. And, on top of all that, the agenda that the Republicans have put forth threatens to privatize this sacred trust.

And while this Congress has had to make the hard choices after inheriting an economy in shambles, the men and women serving our country on the commission, on the task force looking at the challenges facing our country fiscally, have the unenviable task of reducing our deficit and getting our national debt under control.

I would simply remind the distinguished members of the commission that before this great recession, Social Security has run a surplus every year since the 1980s and, in fact, today has $2.5 trillion in reserves.

Mr. Speaker, on behalf of America's seniors, I would say to the members of the commission that a deficit commission should not undercut a program that contributes nothing to our deficit.

Just a month ago, the good people of Florida's 19th District sent me to Congress to fight for our seniors, our community, and our values. And I'm happy to tell them that, with my Democratic colleagues here today, this Congress is making these values a top priority.

And I'm pleased to reassure the seniors in Palm Beach and Broward Counties that, as a part of the Seniors Task Force, I'll be a tireless defender of Social Security and Medicare and a dedicated advocate for policies that protect the health and financial security of America's seniors.

I'm thrilled to stand here with my colleagues.

Ms. SPEIER. I thank the gentleman from Florida for his passionate commitment to seniors.

I'd like to address this whole issue of mortgages. You know, so many Americans have seen their homes being foreclosed on over the last 2 to 3 years. The numbers are staggering. We're talking about, 7, 8, 9 million homes. And I think that there's a misconception that somehow those are all younger families, but the truth is many of these people are senior citizens.

One of the protections in the Wall Street reform is that we are going to deal with banning predatory mortgage lending, and I want to just share with you one example.

This is back in 2000, at the age of 57, Willie Howard, who, at long last, became a homeowner. He had this tiny house here in Washington, DC, of 963 square feet. Now, Willie never learned how to read, so he proved to be an easy touch for refinancing offers as the housing bubble inflated.

By May of 2005, his $108,000 loan had ballooned to $137,000 because he had been courted by mortgage brokers who wanted to suggest that he could, in fact, save more money.

By October of 2006, after four more refinancings, Mr. Howard's loan balance had ballooned to $238,000. Now, half of the increased debt came from $51,000 in points, fees, prepayment penalties, and negative amortization. So it really was all about the scam artists; in this case, a mortgage broker who wanted to churn. By getting him in and out of loans, he was able to make more money as a mortgage broker, and poor Mr. Howard, who could not read, went from having a $108,000 loan to a $238,000 loan. And as Mr. Howard said, the problem with the system is that the broker had no obligation to act on behalf of Mr. Howard's best interest.

So what does Wall Street reform do to help Mr. Howard and seniors across this country? Two things. It requires that they show a net tangible benefit to the client consumer and that that client consumer has the ability to pay. Now, those two tests couldn't possibly have been met for Mr. Howard by that mortgage broker.

So, as a result of Wall Street reform, seniors and Americans across this country are going to have recourse. And, in this case, Mr. Howard would be in a position to have that contract rescinded, have his costs, his consumer costs, be they attorney's fees or anything else, paid for, and have the opportunity to have that particular loan reworked in 90 days or less. That's the kind of benefit that accrues to seniors in the new reform.

The final area that I thought would be worth us spending a little time on is the other rights that benefit seniors, and that's the right to know that Wall Street bankers will not gamble away their retirement savings. Both Mr. DEUTCH and Ms. KILROY had spoken about the 401(k)s turning into 201(k)s. And as clever as that sounds, it's tragic when it happens, and it's happened to senior Americans across the country.

I'm going to talk to you about a senior citizen in my district. This is a real story of a senior citizen who spent his entire life as a doctor providing health care to those who did not have resources. He provided health care in a county hospital setting, and he made, you know, a good salary doing that. So he retired, had a comfortable home, had $1 million in retirement in his 401(k).

Now, he was using a financial adviser, one of the slick financial advisers that we've heard too much of over the last couple of years, much like the employees at Goldman Sachs who would sell a risky investment to someone but, on the other hand, would short it for their personal gain.

This particular constituent had the situation where his financial adviser was not looking out for his best interest. So, over the course of the financial meltdown, this constituent lost three-quarters, three-quarters of his 401(k). Now, that's just outrageous on so many scores, but particularly so when you're dealing with the 401(k)s of senior citizens who don't have the luxury of trying to find other ways of making up that money, don't have the ability to go back to work.

And our financial service reform is going to make sure that that particular activity of Wall Street gambling away retirement savings can no longer happen because we do have the standards put in place.

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

WHAT THE FEDERAL GOVERNMENT SHOULD BE DOING

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I'll be right with you as we get our charts adjusted here and get started for the evening.

It's a pleasure to be able to join you this evening and to talk, once again, about subjects that are on the list of attention for many Americans, the kind of questions people are paying attention to, things that make people concerned, and overall questions regarding jobs and our economy.

And if you step back a considerable distance and get way outside of Washington, D.C., one of the things that you can see if you look over a long period of time is that there's a big debate as to what the Federal Government should be doing—in fact, that is kind of the main political debate—and should the government be doing a whole lot of things or should it be doing a smaller, limited number of things.

We have just heard over the previous 40 or 50 minutes from the Democrat Party, and they were very excited about all the things the government was doing. The government was involved in all of these handouts to different people and the different ways of trying to show compassion, and so they were very interested in seeing that the Federal Government was involved in a whole lot of different things.

There's a different perspective on that, and that is that the Federal Government should be involved in a smaller number of things and that, in fact, the government should be limited, the Federal Government should be limited. We should leave a lot of things to the State government, and local governments also should be taking responsibility. The Federal Government should not be the big mother giving everybody whatever they want. And so this debate goes back and forth as to what should the Federal Government be doing.

Now, if we take a look, there are some things we could learn from history. We do recall that there was a very famous, well-known nation that you've heard of, read of many times, and they had the philosophy that it was the job of the government to provide these basic necessities to their citizens. They believed the government should provide food and a place for people to live. They believed that the government should provide education and that the government should provide health care to the citizens. After all, if you don't have health care, you'll get sick. And they also believed that the government should provide jobs for their citizens. And so that nation operated under that principle that the Federal Government should be providing food and clothing and a place to live, education, health care, and a job.

□ 2015

Yet we watched that nation. It was a big threat to America, and over a period of time, it totally collapsed. The wheels fell off of it. And the nation doesn't exist anymore. It used to be called the Union of Soviet Socialist Republics. We in America in the meantime looked at their nation, and we said their economy is a mess. They don't know what they are doing. The Federal Government cannot afford to be giving all things to all people, and it is much better for the private sector to run the economy, for the Federal Government to be limited and just focus on the things that it can do well.

So this is sort of the source of the large debate today, What is it that the Federal Government should be doing? And of course the problem with the Federal Government doing too much is pretty soon you run out of money. That is what we are starting to see all over Europe and the governments in Europe, but as well in our own government, particularly over the last year and a half.

Now, we have just heard comments from the Democrat Party talking about the fact that the financial and economic crisis that we have experienced was the result of Wall Street. It was all Wall Street's fault. Unfortunately, their memories are selective. The fault lies more than anywhere else here in Congress. This was a government mistake. Republican and Democrat economists saw this thing coming, they saw it a long distance away, and politically we did not have the will to deal with it and solve the problem.

How did this all happen? Well, we came up with a nifty idea a good number of years ago that it would be a nice thing if people who were very bad investment risks had the opportunity to buy their own home. And so what we demanded was that banks had to make loans to people who were a poor credit risk. So we said you got to make a certain percentage of your loans like that. So the banks are going, boy, this doesn't seem like a very good idea. You are demanding that we make loans to people who probably can't pay back their loan.

I don't know how you could try to say that that's a compassionate thing to do. I don't think a family that has a loan that's too big for them to pay and that constantly is missing their mortgage deadlines and eventually gets evicted from their house, somehow that doesn't impress me as a picture of

compassion. But that was the desirable thing. And so we put that into the different regulations and the government mandates, and we created Freddie and Fannie, two quasi-public, but really private, firms which made a big business in home loans. They gave good prices to people, and through the years Americans had many of their loans put into Freddie and Fannie. But what happened was the very last year of the Clinton administration, they kicked up the percentage of loans that had to be made to people who were bad credit risks.

So we are starting to create a bit of a problem because what happens when all the bad credit risks don't work? Who is going to pay? Well, the implied payer was, you guessed it, the poor old taxpayer. And so we see Freddie and Fannie moving along, and through a series of other circumstances, particularly Greenspan's keeping the interest rates low, the liquidity high, we see this big bubble in real estate bubbling right on up. From when I first came to Congress in 2001, the housing prices almost doubled in about 5 years. And you thought, boy, was I silly not to have bought a house, because if I would have bought a house it would have doubled in price. And then ker-pow, the bubble pops. When that happens, now all of this mischief that was created by Freddie and Fannie making bad loans starts to come due.

Was this something that people understood? Yeah, there were people smart enough to see it coming. In fact, President Bush saw Freddie and Fannie, saw that they were in serious financial trouble, saw it was going to be a tremendous hit on our economy and asked the U.S. Congress for authority in the very smallest ways to regulate Freddie and Fannie. And that you can find documented in that great conservative oracle The New York Times. Take a look at September 11, 2003. This is 5 years at least before the big collapse of the economy.

He is requesting permission from Congress to regulate Freddie and Fannie to take care of this problem that the liberal Democrats created, that is, making loans to people who couldn't afford to pay them. Now, they were assisted in this mischief also by different ratings firms like Standard & Poor's, who rated these different instruments that were created with these loans as AAA rated, which of course is a scam: they weren't. And the idea that Wall Street had was that if we would take one bad loan and we put it together with a thousand other bad loans that we have enough diversity that all these bad loans will not be bad loans, which was of course a bad assumption. Anyway, you know the story.

The Republicans passed the bill to get more control of Freddie and Fannie. It went to the Senate. The Republicans, while they were in the majority, never had 60 votes, and the bill died over in the Senate because the Democrats refused to support it. In the meantime, the gentleman who is now in charge of fixing some of these economic problems was saying there is nothing wrong with Freddie and Fannie. And Freddie and Fannie had a great lobbying team, ran around the Hill here in Congress giving away hundreds and hundreds of thousands of dollars in PAC contributions.

So first of all, let's not say that it was Wall Street that created this economic crisis. Let's go back to the fact that it was ACORN, that it was loans that were made to people who couldn't afford to make those loans, it was loans that were put into Freddie and Fannie and ended up the tab now being picked up by, you have got it, your grandchildren and your children. So that's where we are.

Now, the big question is if we are going to give all this money away to different people the way that we have been doing for the last year and a half, how are we going to pay for it? Somebody once said the trouble with socialism is that sooner or later you run out of other people's money. Well, so what've we been doing? Well, the last year and a half, boy, we've been doing some spending. But one of the things that anybody who runs a business knows is you got to have some kind of a budget. You have to have a plan as to where you are going so that you can somehow balance how much money you are spending with what's coming in. You have to have some sort of a sense of where you are going. You don't want to just float from month to month not knowing what you are doing.

And so if you are going to have any kind of decent management in a business, you need to have a budget. Now, some families run without a budget, but to some degree what they do is they just take the money that's coming in, put it in the bank, and then they can take the money out until they run out, then they know they got to stop spending until the next month. But there has to be some kind of a plan of how you are going to proceed economically for any kind of a good management.

I don't think there is hardly anybody that has stocks and bonds or whatever, or traded on Wall Street, that doesn't have a budget. And of course the Congress needs to have a budget too. In fact, the Democrat whip, STENY HOYER, made this statement: he said that enacting the budget was the most basic responsibility of governing. The most basic responsibility, according to STENY HOYER, was that we have a plan. Now, I agree with STENY. I do think having a budget is very, very important. You have got to have that.

He was joined by Congressman SPRATT, who is the House Budget Committee chairman. And he was even more specific: If you can't budget, you can't govern. He said that in 2006. So the Democrats, like the Republicans, are recognizing that you have got to have a budget. You have got to have some kind of a plan. If you don't, you are going to start really getting off the track economically.

So, we then find this rather surprising article in The Hill newspaper just April 14, 2010: ''Skipping a budget resolution this year would be unprecedented.'' Wait a minute: ''Skipping a budget resolution this year would be unprecedented.'' In other words, we don't have a budget? You got it right. We don't have a budget this year. We don't have a budget. Any other business has to have a budget. Do we have a budget? No. ''Skipping a budget resolution would be unprecedented. The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974.''

We have never not had a budget resolution since 1974. So we are setting a record this year. We have got no budget. No budget. First time that's happened since 1974, according to a Congressional Research Service report. That's the research branch that works for everybody in Congress.

So we have just marched off the edge of the economic world. We have decided rules don't apply to us. We have good intentions. We are going to have the Federal Government be all things to all people. Let's spend some money. Let's take care of everybody we want to take care of. And, hey, about this deal about having a budget, let's not have a budget because, you know, somebody could really beat you up if you had a budget.

I am joined by a good friend of mine, Congresswoman LUMMIS. I don't know if you would like to take a minute or two to make a comment. I would be delighted to have you join us.

Mrs. LUMMIS. I thank the Representative from Missouri and look forward to the opportunity to join you this evening. I am a member of the Budget Committee. And last year we had a lengthy budget debate in the committee, it was very robust, to discuss possible amendments to the budget. And even though the majority of the Republican amendments to the budget were not passed, we did pass a budget. It was over the ''no'' votes of the Republicans. However it fulfilled a duty of this body to pass a budget.

At $3.6 trillion, it was the largest budget in the history of the United States. President Obama this year proposed a $3.8 trillion budget. At a time of recession, he proposed a budget that was $200 billion larger than the budget the year before. And the budget the year before included some astronomical increases, such as a 39 percent increase in the budget for the Environmental Protection Agency.

Well, as you can see from a full day of hearings that were held today in the House Natural Resources Committee, that additional 39 percent increase in one agency's budget in 1 year, as now applied in the Gulf of Mexico to the oil spill, has not yielded the kind of efficiency that we expect from government.

The United States is in charge of this cleanup. The President of the United

States is in charge of this cleanup. And on occasion he has dispatched members of his Cabinet, members of the Coast Guard, members of other agencies to involve themselves in the cleanup. But the fact that they increased their budget 39 percent in 1 year has not contributed to the coordination efforts of Federal agencies in cleaning up the gulf.

Mr. AKIN. I would like to reclaim my time for just a minute. I really wanted to inquire of you about some of these numbers that you just said, because I am not on the Budget Committee. And I was kind of shocked in a way. We haven't not had a budget since back in the 70s, and that was just since we put this current budgeting process. And we've always had a budget, and yet this year we don't have a budget, and we are spending money at a tremendous pace.

Is the rapid rate of spending, is that part of the reason we don't have a budget, because we are just so embarrassed we are spending so much? Is it because by putting a budget down it acknowledges the complete fiscal irresponsibility that we have started down that path? Do you think that's what it is? Or is it just we can't figure it out? Why don't we have a budget?

Mrs. LUMMIS. I thank the gentleman for the question. His question is very relevant because Republicans are asking the same question. Our chairman of the Budget Committee, JOHN SPRATT, is an honorable man, and we have pursued with him frequent efforts to encourage him to convene the Budget Committee for purposes of passing a budget.

Normally, the Budget Committee passes a budget by April 15. That's part of the traditional process of this House. And that budget sets the ceilings or the parameters by which the Appropriations Committee will act during its efforts to vet the line items within the budget, meaning really going through the budget carefully, deciding what to spend money on, what the priorities of Congress are this year.

So it is unprecedented, as Mr. AKIN pointed out, for this Congress not to consider a budget. And here we are at the end of May, fully 45 days into the period of time during which we normally have a budget for the Appropriations Committee to work with; and, Mr. AKIN, we do not have a budget. And it is becoming more and more apparent every day that the Budget Committee will not be convened.

□ 2030

I am certain that JOHN SPRATT, who is the chairman of the Budget Committee, finds this painful. But I am also of the impression that the leadership within his party has encouraged him not to convene the Budget Committee out of concern that passing a $3.8 trillion budget, the budget as proposed by the President, would set a tone for this election year that Democrats don't want to face up to. They don't seem to want to face up to the fact that we are at over $12.9 trillion in debt.

Mr. AKIN. Let me just stop you for a minute here, please, because I would like to try and get these numbers figured out a little bit. Of all of the different complaints I heard about President Bush, the one that I think I heard the most was that he was spending too much money. I think the people didn't like the fact we were at war in Iraq very much, but I think particularly they were worried that he was spending too much money.

And so I guess his last year in was 2008, and that was when the Pelosi Congress was here. And that was his worst amount of deficit spending that he did, which was about a $470 billion deficit that year in his spending. Now, that wasn't good; that was about 3.1 percent of gross domestic product, and that was his worst spending, and he was spending too much, and some of us said, yes, he was, and we didn't vote for some of the spending.

He was followed by President Obama the next year, which is 2009, and the amount of deficit there was $1.6 trillion, that is three times more than Bush's worst year. And, boy, were we doing some spending. Then we went from 3.1 percent of GDP all the way up to 9.9 percent GDP, and so we just rocked into this. I will tell you, President Obama made George Bush look like Ebenezer Scrooge.

Mrs. LUMMIS. Yes. Recall that President Obama, since he took office, will double the debt in 5 years, triple it in 10 years. This is absolutely unsustainable.

When the Budget Committee met with Mr. Orszag, who is the director of the OMB, the Office of Management and Budget, we asked him if this budget was sustainable. In other words, if there are adequate revenues being collected to pay for the budget that we have passed. And Mr. Orszag acknowledged that there are not.

We cannot do that. Yet we do it year after year after year.

Mr. AKIN. The thing that has, I think, other Americans, and myself included, concerned about, is you keep going out into this uncharted territory where we are spending more and more and more money that we don't have, and America is banking on our good credit. We have nations like China who buy our Treasury bills because the Chinese are very good at saving money, and they are taking their savings and buying our Treasury bills.

You wonder how long can we keep spending money on all kinds of pension and welfare programs and feel-good programs and reward-people-for-not-working programs and food stamp programs, and all kinds of other things that may be nice? How long can we continue to borrow other people's money to do that before it comes time to pay the fiddler?

When we do, what is that going to look like? That is kind of a scary thing. This is a chart of some of these absolutely amazing items of spending. This is the Wall Street bailout at $700 billion. You have got the economic stimulus bill—I think it's closer to $800 billion, finally, which wasn't a stimulus bill at all; it was just paying various States that had exceeded their budgets so they could keep paying generous pensions that they can't possibly afford to sustain.

Then you have got the appropriations, Obama appropriations and the IMF bailout, and now you have got the big health care thing. They are claiming that's a trillion. I think we will be lucky to get away with it only been being a trillion.

You put all of this stupendous spending together, and the bottom line is they don't want to have a budget because they don't want people to see that we are really pushing the edges on things.

I have a chart here that I think is a little bit spooky. I don't know if you can see it from where you are standing, but this is debt and deficit as a percent of gross domestic product.

What I have got here, this is deficit as a percent of gross domestic product. The deficit that we have in the United States, as a percentage of GDP, is 10.3 percent. You take a look at Greece here and their percentage as a deficit of GDP is about 9.4 percent. Now Greece is about to crash the European Union because of their crazy financial situation, their socialized medicine and all. They can't make it work.

And so deficit as a percentage of GDP is 9.4, and here we are at 10.3. That doesn't make me feel comfortable that we are worse off than Greece is. Then coming across on the chart, debt as a percent of GDP, our debt is 90.9 percent of GDP. Greece is worse at 130, but Greece and Italy are the only two nations of Europe that are worse off than America is.

So these numbers don't give us cause to be very comfortable with our economic situation. I am wondering whether that's not the reason why the Democrats don't want to put a budget in front of people, because they are going to realize somebody is going to get wise that we are just blowing the lid off of any kind of economic sanity by our excessive spending.

Mrs. LUMMIS. It was not 3 weeks ago that the United States had a sale of the U.S. Treasuries that was undersubscribed, which means there were not enough purchasers of our debt for that particular bond issue of U.S. Treasuries that day, which is to say that in order to attract buyers of our debt, we are going to have to pay a higher interest rate to the people who are willing to lend us the money, which is to say that our interest rate payments are going to go up, which means a larger portion of the annual Federal budget will have to go towards paying the interest on our national debt, which is to say that it is a potential trigger for inflation.

Inflation is a job killer. We have asked the Japanese, who had a period

of time in the 1990s called the forgotten decade, how we can avoid, in the United States, having a forgotten decade? They have told us, don't raise taxes during a recession.

So we are in a conundrum. If we raise taxes, we will increase the length of the recession, potentially. If we don't raise taxes, the deficit will grow, potentially leaving us, in my opinion, with one good choice. The good choice is to cut spending. How does this Congress cut spending? This Congress has never cut spending.

I am delighted to be a Member of Congress at a time of economic turmoil because I come from the State of Wyoming.

Wyoming is a State where we have had boom and bust cycles because of our dependence on the economies of oil, gas, and coal. As commodities go, the State of Wyoming goes. When I was a Wyoming legislator, I experienced both a boom and a bust cycle, and what we had to do was reduce spending.

Recently, the Wyoming Legislature reduced spending to the tune of over 10 percent. In Wyoming, it is customary to adjust to these types of belt-tightening, and expenditures during times of largesse.

So when we have money, we have invested in the University of Wyoming, invested in the bricks and mortar of our K–12 system, invested in our technology, in our economy. Yet, when we have to tighten our belts, we do it across the board. You know, it's not the best way to budget. We in Wyoming acknowledge it's not the best way to budget.

But I do believe that if we could cut spending across the board, domestic spending, that is, we would have an opportunity to reduce those expenditures. But I would also acknowledge that without addressing the entitlement situation we can never get a handle on our budget concerns.

That is why I commend, to the attention of everyone within earshot, a plan that was developed by PAUL RYAN, the ranking Republican member of the Budget Committee. It can be reviewed at www.americanroadmap.org. It provides the path, the glide path, towards our economic recovery without raising taxes. It takes a long time, it's not without pain. There are, as PAUL always likes to say, sharp knives in the drawer.

But, nevertheless, it does it in a responsible fashion, without raising taxes, and addresses, long term, the consequences of overspending and of our potential of becoming a European-style social democracy and a culture of dependency.

Mr. AKIN. Well, I very much appreciate the expertise that you bring from Wyoming. The idea of cutting spending here, that's got to be the closest thing to a swear word you can say in Washington, D.C., the idea of cutting spending.

Yet I just heard less than an hour ago the Democrats just raving about the wonders of Social Security and their Medicare and Medicaid programs, the three major entitlements, all of which a Democratic economist, a Republican economist, all agree that they are on a train-wreck path in a fairly short period of time. Because these entitlements are just like starting a robot, some machine that gets going. You create the law, the law gives out money to people, and it just runs. If you don't touch it, it just keeps giving out money.

And the trouble is, it's giving out more money than we have. What's going to happen is you are not going to have anything to spend any money on for Defense or any other program because Medicare, Medicaid, Social Security, will eat the entire budget up.

What you are saying is correct. We need some of that common sense that says, wait a minute, we just can't keep running more and more and more government giveaways.

It gets back to the question, do we really want to follow the model of the Soviet Union down the primrose path into just economic collapse, because we know it didn't work. It's not working well for Europe, and we know what the models are that make for a prosperous and healthy and good economy.

And it's what you are saying; one of the main things you have to do is to cut taxes. The interesting thing is that the Democrat, JFK, figured that out. He cut taxes because we were in a recession. He cut taxes and found out a very fascinating thing: That the recession stopped, the economy got stronger, and he actually collected more tax revenues with a lower tax rate. It seems like it's like making water run uphill, but it's not.

What happens is you have more economic activity. Because of that there are more taxes that are generated because there are more transactions and, therefore, the government actually raises more money by cutting taxes. JFK figured it out. Ronald Reagan did the same thing, and it worked like a champ for him, and George Bush did the same thing. He did some serious tax cuts and moved us from recession to recovery.

Because he understood this basic principle: There are certain things that are job killers, and one of the worst ones is excessive taxation. Why is that true? Well, because, the people who make jobs are businesses, and the business people have to have some of their own money to plow back into the business to put a new wing on a building, to buy a new machine tool, to start a new process, and to get a new plant going somewhere.

They have to have some money. If you tax it all away from them, then they are not going to have money and they can't make jobs. FDR found that out the very hard way. They kept driving and driving and driving the taxation of business owners. Instead of just creating, business owners that were hiding and hunkered down inside their businesses—they closed them down. The businesses closed, and all the employees were laid off.

Mrs. LUMMIS. One of the great ironies of being a freshman in Congress is you see who people quote. It is so ironic that we Republicans, as Mr. AKIN and I are, frequently quote JFK. JFK never disavowed American exceptionalism.

□ 2045

He acknowledged American exceptionalism and he harnessed American exceptionalism. And it is fascinating that we find ourselves frequently returning to his speeches, as Republicans, to review the importance of American exceptionalism in stimulating the economy and growing the economy and acknowledging what Ronald Reagan acknowledged, that we are a shining city on a hill and that we are to be emulated, but only to be emulated when we deserve to be emulated.

And it is at this time in our country's history when we need to review those great leaders and our great Constitution and the Declaration of Independence and our founding principles in a manner which provides the roadmap to our future. And, indeed, it does.

When we return to our Constitution and our Declaration of Independence, we are reminded that we were endowed by our Creator with certain inalienable rights, not by our government, by our Creator, and that we chose and consented to be governed and that we chose and consented to be governed pursuant to a Constitution that provided limited obligations to the Federal Government and reserved the remainder of the rights to the States and to the people. If we in Congress would vet bills pursuant to that model, we would return to that shining city on a hill and we could turn over to our children and grandchildren the Nation that we inherited from our parents.

It is stunning—and Mr. AKIN has seen these numbers—that people in America today, when you ask them, Do you have a higher standard of living than your parents, acknowledge that indeed we do. And then you ask those same baby boomers, Do you believe your children will enjoy a higher standard of living than we do? They say no. They're concerned. They see a path, a pattern, a culture of dependency forming.

But I'm convinced that this year being another election year and another opportunity for government of the people to rise up, to take control, and to consent to being governed in the way they wish to be governed, that we will see an opportunity next year to return to government of the people and to our founding principles.

Now, Mr. AKIN and I both know that that will all be for naught unless those who are in a position to govern next year take seriously the messages of the people of this country. And I can assure you, based on what I have heard as a freshman Member of Congress, that

we will indeed take seriously the messages of the people in this country and that we will restore for the American people our first principles and that we are going to be able to be a strong, vibrant country and proud to hand the reins to our children and grandchildren.

I yield back.

Mr. AKIN. Well, I very much appreciate the little history lesson and also the shot of inspiration that you have shared with us, the idea of the shining city on a hill.

I think that there are a lot of people that can be quoted. I'm thinking of good old Alexis de Tocqueville, a Frenchman who traveled around America, took a look at our system and said he looked for the secret of America's greatness. And he had a great quote along those lines, but one of the things he said was: You have a weakness in America, and that is, if the public realizes that they can vote themselves largesse out of the public treasury, you're really going to be in trouble.

There's another name for that. It's called socialism; the idea that voters can demand the Federal Government to keep giving them more and more stuff. The problem with that system is that eventually you run out of other people's money. That was one of the great weaknesses that Alexis de Tocqueville saw with our system, that because we are a self-governing people, because people have the right to vote, they can also make irresponsible votes and they can perpetuate a socialistic system.

A lot of Americans don't really know what socialism means anymore. They don't understand that the concept of American law was that people are all equal before the law, that Lady Justice is not supposed to give a special deal to a rich person or a poor person or anybody else, that people are all equal before the law.

The Pilgrims experimented with socialism. It was demanded of them by the agreement that they made with the loan sharks of London that financed the expedition to send the Pilgrims to America. So it was forced on them and they agreed to it, to have everybody take all of their corn that they grew and everything they produced over at the new colony in Plymouth and divide it equally and then send the shares back to London.

Well, that lasted less than about a year or so. And Governor Bradford saw everybody starving to death, and they pitched socialism, and he wrote in ''The History of Plymouth Plantation,'' he said: As though men were wiser than God. And he said: This is an experiment that's been tried among godly, hardworking people, and everybody can take a look at our example and see that this isn't going to work.

So the Pilgrims understood it. Unfortunately, our Congress today doesn't seem to understand it, and that's why you see these kinds of things.

Here's the Federal Government employment numbers. We're trying to create employment. Well, that's one way to do it; go hire everybody. What's the trouble with this theory? Well, every time you hire somebody in the government, you lose two jobs in the private sector. So now after we've passed this wonderful stimulus bill—which we were told if we didn't pass it, unemployment might get to 8 percent. We're now close to 10 percent unemployment, and we continue to do the very things which kill jobs, particularly worst of which is taxation.

But this is an alarming trend as well, government employment going up. And I think a recent study just indicated that the average government employee makes twice as much money as the average civilian employee in America. That is not a good trend, because pretty soon everybody is going to be working for the government—that's not very hard to break that equation—and then who's going to be paying?

I see my good friend, Congressman GOHMERT from Texas, coming to bring us a little bit of Texas wisdom, perhaps.

LOU, would you join us, please.

Mr. GOHMERT. Thank you for yielding.

Actually, I was going to bring a bit of John Adams' wisdom because, to follow up on my colleague's wonderful quotes and references to history, John Adams, toward the end of his life, said: The longer I've lived, the more I've come to understand that one worthless man is a shame, two is a law firm, and three is a Congress.

I yield back.

Mr. AKIN. Hey, let's do that one again. One worthless man is a shame, two is a law firm, and three is a Congress. Congress was smaller in those days, I suppose.

Well, thank you for that bit of Texas wisdom.

Here's another chart that runs along with it. This is private sector employment, government employment. You can see what's happened here. We're doing some employment, all right. It's the government that's doing the employment. But you take a look at the blue line—this is the private sector employment—you see jobs going down like a submarine. And that isn't just a statistic, that isn't just a fact, that is suffering—suffering in our economy, suffering with lots of people who don't have jobs, a lot of younger people moving back with their parents. The house is full of people because we're having trouble with not having the jobs.

Now, what kills the jobs?

Well, first of all, excessive taxation is a big deal. Insufficient liquidity is another problem. Our banking regulators are so tough that it makes it very, very hard for businesses to get loans. A third big job killer is economic uncertainty. Boy, oh, boy, do we have some of that. Who knows what we're going to do next.

We just passed this socialized medicine bill, and everybody who has employees is going to get whacked for having employees. There's a huge incentive we've created to get rid of any excessive employees on your budget because you're going to get taxed heavily for socialized medicine.

And then, of course, the old standby. If you can't get them with too much taxes, no liquidity, and uncertainty, then you hit them with red tape and government mandates.

You put this together, and you've got a great formula to destroy jobs in America, and we have been doing this in a massive kind of way.

Here's kind of a list of some of the Obama plan taxes:

Cap-and-tax. That's that tax on energy. Do you remember how the President said, I'm not going to tax anybody who makes less than $250,000? And then he comes up with this deal, that you get taxed when you flip your light switch. I don't know how in the world you can keep those two things separate, that you're going to only tax people making $250,000, and then nail them with a tax when you flip your light switch.

Did you want to make a comment? I would be happy if you want to jump in, Congresswoman.

Mrs. LUMMIS. Thank you, Mr. AKIN.

Would you be so kind as to pull the chart up that you have behind you, the one that displays what has happened to private sector employment versus public sector employment?

As you can see from the chart, private sector employment is an upside down U, in that in the year since the majority party has switched hands and Democratic control of Congress has been in place, we have seen private sector employment decline dramatically. At the same time, we have seen public sector employment increase to the tune of about 188,000 public sector workers increase. At the same time, we've lost about 12 million private sector employees.

Now, I have a bill that I believe will begin to address this serious problem that we see with regard to employment. It is the Workforce Reduction Act, but it does it without firing anyone. It does it through attrition. The bill provides that for every employee who vacates a position due to retirement or moving on, that that position would be moved into a position pool. In fact, for every 100 retirements that occurs in the Federal Government, 50 positions would be moved into a position pool, the other 50 positions, vacant, would be eliminated. And then agencies would need to apply for reinstatement of a position based on necessity.

Those agencies who critically need employees, such as possibly the Minerals Management Service, in its enforcement functions in the Gulf of Mexico, would be likely recipients of employees in order to meet the obligations of the Federal Government to protect our borders with regard to the encroachment of oil that is seeping into the Gulf of Mexico. For other positions which are less mission-critical, those agencies would downsize.

Now, this is not going to be dramatically harmful to Federal agencies because, as I said, since the Obama administration took office, 188,000 new Federal employees have been added, and this excludes people that were hired pursuant to the decennial census. Consequently, we know that somehow we survived without these employees prior to President Obama taking office.

Mr. AKIN. Reclaiming my time, all of these things are really indicators that we've got a Federal Government that is out of control. We're hiring too many Federal employees, spending too much money. We don't even have a budget for the first time since the seventies. This is not a good picture.

Congressman GOHMERT.

Mr. GOHMERT. Well, I appreciate you yielding, and I appreciate the gentlelady mentioning the Minerals Management Service. I know she was present for hearings today that the Director of the MMS was testifying. We had the Secretary of the Interior for a while testifying and his Deputy Secretary testifying. We had a Coast Guard admiral testifying. But I'll tell you what, after hearing the testimony about MMS, I'm very concerned that adding more jobs there is just creating more problems. There is so much mismanagement, so much impropriety, it sounds like, that that would be a disastrous mistake to add to the MMS.

But let me point out, as the Director of the MMS testified, they have decided that the MMS would be better nonexistent, so now they're dividing it into three different groups. And you talk about Texas, back home, if you have a pond that has become stagnant and it has begun to stink and become rancid, it doesn't matter how many ways you divide that pond, it still stinks. And they're not going to address the management problems. They're not going to address the fact that—and get this, the only entity within the Minerals Management Service that is unionized—and if we were out somewhere else I might expect a drumroll—but it is the offshore inspectors, the only entity within MMS that's unionized.

And we come to find out that as critical as those offshore inspectors were to protecting our country, to protecting our environment, to protecting all of those thousands and thousands and thousands of livings that were gained off of the coast area, the protection was an appropriate offshore inspector. And yet when I asked the Director of MMS was there a good way to have a check or balance so that somebody ensured the offshore inspector was adequately doing their job and making sure that when they finally bothered to go out and watch a blowout preventer be tested that somebody made sure they were really doing their job because, as I'm sure you all know, there's an investigation currently going on about some of the gifts and perks and things that were provided by peopl being inspected to those doing the inspection.

□ 2100

Well, how do you guard against improprieties?

The director said, Well, we had a system that fixed that. We had two offshore inspectors who would go out at the same time to an offshore rig. That way, they could kind of watch over each other's shoulders and make sure they were doing the right thing.

So my question was then, Would it have been a good idea that the last inspectors that you sent out—a union team that went out to the Deepwater Horizon rig, who were ordered to watch each other and to carefully make sure that they did their jobs—were a father and son union team?

She was not able to comment because that was under investigation.

Folks, we've unionized people, which means there are going to be restrictions on how much travel they can do and on how many hours they can spend, and that's normally part of the union contract. There are some areas in the country where we need unions to make sure that things are done fairly; but we're talking about the government, our United States Government that is supposed to protect us. I mean, these guys out there are protecting our lands, our livelihoods. It's almost like the military. They're on a mission.

Can you imagine if the military were unionized and if they said, We'll only work so many hours a day, and we're going to restrict the amount of travel we're going to be able to do. What kind of union contract would you get for the military? The offshore inspectors and the MMS are supposed to be protecting us and our country.

I yield back.

Mr. AKIN. I'd just like to jump in if I could, gentleman.

I'm detecting a certain level of skepticism on your part whether or not this government agency was really very effective in protecting us and in preventing a massive environmental mess. I guess the question I have is—you're suggesting that maybe a government agency isn't that reliable. Yet we just trusted the government with all of America's health care. Does that make you feel comfortable now that you see how the government is working in the MMS area?

Mr. GOHMERT. Actually, I'm not just skeptical of the MMS. I'm telling you it's a disaster. It was a disaster with MMS, and it was a disaster that their performance was allowed to happen.

We're going to find out there is somebody responsible—maybe one, maybe many—at British Petroleum, but we know for sure—and it came up in the hearing today as well—that the President had previously mentioned that he wanted to end the coziness between inspectors, or people with the government, who were supposed to manage the oil companies and make sure they were doing the right things, the Big Oil companies.

So that inspired some double-checking. We had hearings before about the 2 years, 1998 and 1999, during which the Clinton administration had employees who pulled the price control adjustment language out of the offshore leases. Originally, I was thinking it cost millions. It cost hundreds of millions, and now there are billions of dollars that have gone to Big Oil that should have gone into the Federal Treasury.

When we had a hearing a couple of years ago about that, I asked the Inspector General—and this was a Clinton——

Mr. AKIN. Appointee.

Mr. GOHMERT. Appointee. Originally, he was the Inspector General. He is now in another capacity.

I asked him, Did you not interview these two people who had the most knowledge about why that language was pulled out?

He said, Well, they left the government. They're not with the government, so I can't do anything about it.

He could call them. He could see if they wanted to talk. He didn't even bother to do that.

So, after the President's comment about the coziness, I had to go back and check. Whatever happened to those two people the Inspector General couldn't talk to?

Well, one of them, when she left the Clinton administration, went to work for a company called British Petroleum. Perhaps you've heard of them. She had three major officer/director positions with British Petroleum, but as of June of last year, Secretary Salazar and this administration hired her to come to work for the Minerals Management folks, so she is now——

Mr. AKIN. So, when we're talking about a cozy relationship here, it's very cozy.

Mr. GOHMERT. It's very cozy.

Mr. AKIN. So Obama's person in charge, Salazar, who is in charge of this thing, basically hired somebody out to basically do this oversight?

Mr. GOHMERT. Who had been working for 9 years for British Petroleum—that's correct—in high capacities. So it's interesting to hear about that cozy relationship.

Mr. AKIN. What was her name, gentleman?

Mr. GOHMERT. Her name is Sylvia Baca, B-A-C-A.

It was interesting, though, to learn—and I didn't really realize this—but nobody with the Minerals Management Service goes through a confirmation process in the Senate. This is completely an extension of the White House. Whatever the administration is, the Minerals Management Service is part of the administration. The Congress has no authority to confirm, to say ''yes'' or ''no'' to somebody who is appointed. This is an extension of the President's own hand, his running the Minerals Management Service; and we have absolutely got to clean house. The trouble is it's not our house. It's the President's house and that of the Minerals Management Service.

Mr. AKIN. As to my understanding, doesn't the law require that the President in a major environmental disaster like this—I've been told that the Federal law requires that the President take charge of the situation.

Has he been down there basically running it and calling the shots?

Mr. GOHMERT. I understand he has been there, but as some of our friends from Louisiana have pointed out—and Governor Jindal has been fighting the President through the MMS and through his responders—they gave full authority to British Petroleum to make all the calls. So the Louisiana folks, the people along the gulf, who are wanting to mitigate and who are trying to get protection and protect themselves, had to get permission from British Petroleum, which was not giving it.

We heard in the hearing today that there were people in Louisiana, along the gulf, who wanted to build barriers to this oil coming in. Yet all we heard from the administration's representatives was, Well, we're still discussing those to see—we're worried that could end up creating more problems than it solves because when they build the little barriers to the oil coming into those marshes, it might actually pull more oil in.

They're discussing it. The oil is in the marshes. It's killing animals and killing wildlife right now, and we heard today in the hearing that they're just discussing it, and they're trying to figure out if they may do more good than harm or if they may do more harm than good. It's outrageous what's going on.

The President does need to take charge. It is a disaster of massive proportion. British Petroleum is at the helm, but the White House should not have given them the authority to just make all the calls. It's unbelievable the disaster that occurred and now the disaster that is being created by the failure to respond.

I asked the admiral in charge of the Coast Guard, you know, How many ships have you moved into the area in the last 37 days? They've moved four major boats into the area. That's it. That's it. We could have moved the Navy. We could have had all kinds of response. The President has all kinds of resources, and he is just basically letting all this happen.

Now, British Petroleum needs to be made to pay, and it shouldn't be limited to $75 million—absolutely not—but we've got to have a better response. People are losing their livelihoods. They've already lost their lives. It has got to come to an end.

I yield to my friend.

Mrs. LUMMIS. Will the gentleman yield?

Mr. AKIN. I do yield, lady.

Mrs. LUMMIS. It is the power of the purse that this Congress holds that allows us to gain control of situations like this, and that is why this discussion is so important. I thank the gentleman from Missouri for including us. I yield back.

Mr. AKIN. I thank you, lady.

We've been talking about a broad range of different topics today; but in general, it is the condition of our economy.

The thing I would like to be sure that we don't do is to leave with the impression that there aren't solutions to these problems, but the solutions include, one, we're going to have to back off our just giving away money to everybody. We're going to have to reduce Federal spending. What we're going to have to also do is to use the power of reducing taxes to increase government revenues. So we have to reduce taxes in order to get the economy back and going and to start creating jobs.

Now, if we want to continue the formula of destroying jobs the way we have been, what's going to happen is that it's going to be harder and harder to get the economy back on track, but there is a solution. It's not complicated. It involves doing tax cuts selectively to allow those small businesses to start creating jobs again, and we have to get off their backs with regulations and red tape. We have to increase their ability to get liquidity, but we also have to stop taxing and taxing and taxing. All of the talk about concern about jobs is just a bunch of lip service because every one of these things is a job killer:

Cap-and-Tax. They're going to tax energy.

Health care taxes, a massive effect of destroying jobs. There are all kinds of businesses now that are asking, How can I get my employees under 50 so I don't have to get involved in this?

The death tax. Taxes on inheritances. This is another thing that is going to tie up money that could be invested in business and that could create jobs.

The capital gains tax. This is one of the big things that helped create jobs before. This is going to expire next year. So there are solutions to these problems, but the solutions require some grown-up leadership in Washington, D.C.

Mr. Speaker, I thank you for your indulgence this evening. I yield back.

JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Speaker.

Mr. Speaker, I rise this evening to proudly commemorate the fifth annual Jewish American Heritage Month, which takes place in communities across the country each May.

Jewish American Heritage Month promotes awareness of the contributions American Jews have made to the fabric of American life—from technology and literature, to entertainment, politics and to medicine.

It is a concept that was brought to me by leaders in the south Florida Jewish community 5 years ago when I was first elected to serve in this body. It was an idea born of the concern that, although there have been 355 years of Jewish life in America, there is still a tremendous lack of understanding about Jewish culture in that Jews are both a religion and a heritage in terms of our traditions and our community. Because we are less than 2 percent of the population in America, most people in America have either never met a Jewish person or have rarely, if ever, interacted with a Jewish person, so our traditions are often a foreign concept.

It was felt by the leaders in my Jewish community that, in having a month dedicated to cultural and educational programming, particularly in non-Jewish communities, it would raise awareness, foster understanding and deal with some of the concerns over the fact that, of the bias incidents that have been documented by the FBI and by the Anti-Defamation League, literally 65 percent of those bias incidents in recent years have been anti-Jewish bias. If we can use Jewish American Heritage Month, now in its 5th year, to foster understanding and tolerance, then hopefully we can reduce anti-Semitism and bigotry in this country.

As we are well aware, the foundation of our country is built upon the strengths of our unique cultures and backgrounds. Yet, while our diversity is America's strength, ignorance and intolerance about the culture and about the traditions and accomplishments of the Jewish people are, unfortunately, still really prevalent.

Again, Jews make up only 2 percent of our Nation's population, and as a result, we need to make sure that people in America understand that there have been so many different things and that so much of American history has been touched by a significant contribution of American Jews.

Tonight, my colleagues who are joining me on the floor to acknowledge and to mark the 5th annual Jewish American Heritage Month are going to talk about some of the impacts that the Jewish community has had throughout American history.

It is my privilege to yield to my friend, the gentleman from Colorado, JARED POLIS.

□ 2115

Mr. POLIS. I thank the gentlelady from Florida.

I am here tonight to talk about the Jewish history in the West and in Colorado. Colorado was still an untamed wilderness when gold was discovered near Pike's Peak in 1858. The 59ers, fortune hunters from across the country, came to our State, growing the population and building a diverse economy. Jews, too, were part of that quest.

Over the millennia, our Jewish people have suffered many exiles, often wandering and migrating from one country to another, frequently meeting

with hostility and hardship. It was in that spirit that Jews immigrated to the American West, where we established viable communities and maintained the Jewish heritage, despite great obstacles.

The unpredictability of gold mining and a growing demand for supplies encouraged many of the Jewish 59ers to establish small business in new towns and mining camps throughout Colorado. Over the next two decades, Jews settled in Leadville, Cripple Creek, Aspen, Trinidad, Colorado Springs, Pueblo, Central City, and Denver.

One of the first Jewish pioneers was Fred Zadek Salomon, who arrived in Auraria in June of 1859. He founded and became manager of the first general mercantile company in Colorado. The two were later joined by a third brother, Adolph Salomon, who became the first Jewish elected official in Colorado as a trustee of Greeley, Colorado.

Another one of our famous early Jewish Coloradans was Frances Wisebart Jacobs, who was born in 1843 and died in 1892. She was born in Kentucky to Bavarian immigrants, but she moved to Denver when she was young. She helped organize and was president of the Hebrew Ladies' Benevolent Society, and she joined with the city's Congregationalist ministers and Catholic Archdiocese to create a multifaith charity organization.

She also left her mark on tuberculosis relief, which Denver later became known for, as one of the first people to conceive of a free hospital for the medically indigent tuberculosis victims, for which Denver later became known.

Frances Jacobs is memorialized as one of 16 Colorado pioneers and the only woman and the only Jew in a stained glass window in the Colorado state capital rotunda. In 1994, she was inducted into the National Women's Hall of Fame, and in 2000 she was awarded the Denver Mayor's Millennium Award.

From its humble beginnings, the Colorado Jewish population has grown; in our generation, with immigrants from the east coast, as my parents from Brooklyn and Peekskill, New York, moved to Colorado in the 1970s, along with many of their fellow Jews, and more recently immigrants from California, Jews finding a new home in my hometown of Boulder, which when I was young and growing up, had one synagogue. It now has six synagogues.

The town of Denver, with a longer and more established Jewish community, also continues to thrive with the Jewish cultural and religious life across the region.

I rise to proudly recognize the role of Jews in the development of Colorado and the Rocky Mountain West.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. POLIS. Your comments are such a perfect example of the unique contributions that American Jews have made in our history, and you specifically highlighted examples that most people would not have been familiar with. I would bet that Coloradans are not familiar with that history. So thank you very much for coming down and sharing that with us this evening.

Mr. Speaker, I want to share a story that was an experience that I lived through. For me as a young Jewish woman growing up in a predominantly Jewish community in New York, on Long Island, growing up, and then moving to south Florida and spending my adult life in a significant, large Jewish community, one would think that I had spent most of my life without experiencing anti-Semitism, and I have not experienced much in the way of overt anti-Semitism.

But I want to share a story with my colleagues from when I was in college at the University of Florida. I was standing in the hallway of my dorm the first week of school and talking to another young woman who I had just met, and she saw my last name on the door, because there are signs on the doors with your names on them at the beginning of each semester in most college dorms.

Somehow the subject of religion came up. I shared with her that I was Jewish, and her response, she was from a tiny town in north Florida, and it was evident after her comments that she had never met a Jewish person before, because she said to me, ''You're Jewish? I have seen pictures, but I have never seen a real one.''

You know, growing up on Long Island, and that being my first exposure to someone who had not met a Jewish person, I had heard that there were people in America who thought that Jews had horns, and we were somehow not human. But, fortunately, I realized at the time that that was simply a reflection of the fact that she had not had experience with Jews or the Jewish community. And as we got to know each other, we lived on the hall together all throughout our freshman year, we got to be very good friends, and she realized that I was human and that I didn't have horns.

But it is really important, and that story and that experience helped me understand why we had a need for Jewish American Heritage Month, just like the experience of Black History Month and the years and years of success of that cultural celebration that we have in February, and Asian Pacific Islander Month, and Hispanic Heritage Month. It is important that we celebrate the diversity in this country and that all Americans learn about the success and contributions that all different cultures have weaved together to make America the strong, vibrant Nation that we are today.

Again, I am really pleased to be joined by my colleagues who are here with me on the floor tonight.

With that, I yield to my good friend and next door neighbor, a gentleman who has been doing a fantastic job representing his constituents in south Florida and someone who has spent many, many years as a leader in the organized Jewish community, Congressman RON KLEIN from the great State of Florida.

Mr. KLEIN of Florida. I thank the gentlelady, and I thank the gentlelady for bringing this forward as an important part of our American fabric, as she talked about Jewish American Heritage Month as just one of many that make up the fabric of the United States, the people of the United States; the fact in many ways we are an immigrant population, but we are very diverse, both in religion, background, ethnicity, and it is a way of celebration that we are celebrating Jewish American Heritage Month, and we will have the opportunity to do that tomorrow and for weeks to come.

Being from Cleveland originally, Cleveland, Ohio, I grew up in a family that had roots. My family came to the United States in the twenties from Europe, from a persecuted background in countries where they weren't welcome as Jews. Of course, we know the history of what happened during the Holocaust.

But they came to the United States and did what most immigrant families did: They congregated among themselves initially, went to small towns, figured it was important to get an education, started little businesses and things like that.

My dad had a variety store, which is, for those of you who remember what that is, sort of like a Woolworth's, but a small, independent store started by my grandfather during the Great Depression, and then it was a family business all the way through. My dad taught me all about what it was to be part of that American fabric.

Being Jewish was unique where I came from, but not totally unique. There was a Jewish community in Cleveland. I eventually, with my wife, moved to Florida. Obviously, in Florida there was a larger Jewish community where I moved to. But it was only one generation before that that in that same community where I grew up, there were restrictions on where people could live. There were restrictions in deeds where you could purchase a home or a condominium, and they didn't allow various minorities, not just Jews, but African Americans and various others, to go into those communities and buy properties. It was only one generation before I moved there.

So it is really sort of in our own lifetime that all these things have changed. Of course, we know as Americans there is still more work to be done with various forms of discrimination.

But I do want to mention a couple of names and sort of have some fun tonight. First of all, the first Jewish Member of Congress was from Florida. In 1841, David Levy Yulee became the first Jew to serve in Congress. It was obviously even before the Civil War. He eventually went on to serve in the United States Senate. Then it was a

long, long time after that before another Jewish resident from the State of Florida came back to represent the community in Congress.

But I am going to mention a few entertainment people, because I think those are some of the fun people. Many of you remember Sandy Koufax. Now, this is not entertainment, this is sports, but one of the great, truly great pitchers of all time, Los Angeles Dodgers. I think many of you remember him.

He refused to pitch on Yom Kippur, which is the most significant holiday of the year for the Jewish community. It was the World Series. He made a conscious choice and sort of sent reverberations throughout the sports community. How could he make this decision? But he became a folk hero for many people to say he stood up for himself. He stood up for his religion, he stood up for his family, and although he wasn't a religious man, he did something that was quite unique at that time.

Steven Spielberg. How many of you know Steven Spielberg and the touch he has had on all of our lives, with the movies and so many important cultural things that he has been a contributor to? He obviously for many reasons, not only as a great film director and producer, he has also taken it upon himself to set up the Shoa Foundation and has funded it with others as a way of taking the written testimony of people who survived the Holocaust, to preserve it forever. That, to me, is a great contribution.

Groucho Marx, we all know Groucho Marx. I won't do the imitation because I see my colleague from Denver, from Colorado, over there is going to make fun of me if I do that. But Groucho Marx is truly one of the greats. And, of course, it was all the Marx brothers. They just left such a mark in that time. They came from that background of that early vaudeville era and sort of expressed that great sense of humor.

So there are so many, and I know my colleagues are going to mention one after the other here. But I am just happy to be here tonight to celebrate this important milestone, to celebrate it every year as part of this community, to talk about it, to learn about it, and to get our community to talk about it and teach others as well.

I thank the gentlelady for bringing us all together tonight.

Ms. WASSERMAN SCHULTZ. Thank you so much. I thank the gentleman for his remarks and for taking us through an important aspect of Jewish life in America.

Now it is my pleasure to yield to another colleague from the West, and a leader on the House Rules Committee who has a Rules Committee meeting that is imminent that he needs to get to, and a leader in the Jewish community as well, Congressman ED PERLMUTTER from the State of Colorado.

Mr. PERLMUTTER. I thank my friends from Florida.

I wanted to follow Mr. POLIS and just talk about the Rocky Mountain West, which really did receive Jewish immigrants with open arms. Sometimes there was discrimination, but generally it was open arms. In New Mexico, Colorado, Wyoming, ranching, farming, mining, construction, you name it, the Jewish community was involved in it. Merchants, oil and gas, the Manhattan Project down in Los Alamos in New Mexico.

So, my family, a great-great-great uncle immigrated from the Ukraine in the late 1800s, was part of a mining commune above a little town called Center, Colorado, remained in that mining commune for about 3 years, realized he didn't like being at about 11,000 feet in the mountains of Colorado, moved to the Denver area, where he had a small store, and that uncle then attracted the others who immigrated from the Ukraine. So the youngest brother came first, then the next brother, the next brother, and the next brother. My grandfather was the oldest. He was the last to arrive from the old country.

But the Denver area in Colorado really did allow people a chance to really show what they were made of, and the Jewish community in Colorado, in the Denver area, has flourished over the years. It has been very much a part of the fabric of the community in charitable efforts, as well as education and those kinds of things. And the heritage that we are talking about tonight, really at least in the Rocky Mountain West, the Jewish community and the Rocky Mountain West are inseparable.

I just thank my friend for organizing our Special Order hour, and I yield back to her.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. PERLMUTTER. We appreciate your contribution to our effort to raise awareness and celebrate the contributions of Jewish Americans to American history.

It is now my pleasure to yield to one of our newest Members, who as of just yesterday is no longer the most junior Member of the House of Representatives. He held that title for, oh, about a month. He is the neighbor to the other side of my congressional district, and did a fantastic job as a State senator, was another leader in the organized Jewish community in south Florida, someone who has been a staunch advocate for Israel and for issues that are important to the Jewish community, the gentleman from Florida, Mr. DEUTCH.

Mr. DEUTCH. Thank you. Thank you very much.

Mr. Speaker, I rise today in recognition of the American Jewish community's many contributions to our Nation's society and culture. I would like to thank my dear friend and colleague, Congresswoman DEBBIE WASSERMAN SCHULTZ, for her outstanding dedication to preserving Jewish history and culture in America.

Jewish American Heritage Month gives all Americans the opportunity to recognize Jewish Americans as leaders in every facet of America's life, from athletics, entertainment, the arts and academia, to business, government, and our Armed Forces.

□ 2130

Florida's 19th District is home to the largest, one of the largest Jewish American populations in this country.

I'm privileged to represent many first generation Americans whose parents arrived on our shores seeking a better life. Many of these Jewish Americans are members of the Greatest Generation. They stepped up to serve in World War II and rebuilt this Nation after the Great Depression. In fact, over half a million Jewish Americans fought for the United States in World War II, and 11,000 of them perished fighting for our country.

For those who arrived in Europe as the Holocaust raged on, this war became very personal. As a quote from a Jewish Air Force officer reads, As a Jew, it was Hitler and me. That is the way I picture the war.

While the contributions of Jewish American soldiers during World War II cannot be understated, the truth is that Jewish American soldiers have been fighting for this country since the Revolutionary War.

Colonel Isaac Franks and Major Benjamin Nones were aides de camp to General George Washington. Commodore Uriah Phillips Levy, who served in the War of 1812, was court-martialed six times due to his defiance of anti-Semitism. And by the time the Civil War broke out, there were 150,000 Jews in the United States, with 7,000 fighting for the North and 3,000 fighting for the South. Senator Judah Benjamin even served as Secretary of State for the Confederacy. And although Jews only made up 2 percent of the population during World War I, they made up 6 percent of the United States Armed Forces.

Jewish Americans have served in Korea and Vietnam. They've served in Operation Desert Storm and in countless operations around the globe. They're among the brave young men and women who served after September 11 in the war on terror and who are serving bravely and valiantly in Iraq and Afghanistan, even as we speak.

And as we approach Memorial Day, I recognize those Jewish war veterans who made the ultimate sacrifice for freedom, like Major Stuart Wolfer, a Jewish American major from my district, a loving father of three daughters who was killed by rocket fire in Baghdad 2 years ago.

Since the Congressional Medal of Honor, Jewish Americans have been awarded this high honor for their dedicated service to this Nation since it was created. Six Jewish Americans received the award in the Civil War, two in the Indian wars in the late 1800s, three in World War I, two in World War II, one in the Vietnam conflict.

I am proud to also note that Florida's 19th District is home to one of the

largest chapters of the Jewish War Veterans of America. These brave men and women embody true patriotism, and their dedication to this great country is captured in their mission statement, which reads:

We, citizens of the United States of America of the Jewish faith who served in the wars of the United States of America, in order that we may be of greater service to our country and to one another, associate ourselves together for the following purposes:

To maintain true allegiance to the United States of America;

To foster and perpetuate true Americanism;

To combat whatever tends to impair the efficiency and permanency of our free institutions;

To uphold the fair name of the Jew and fight his or her battles wherever unjustly assailed;

To encourage the doctrine of universal liberty, equal rights, and full justice to all men and women;

To combat the powers of bigotry and darkness wherever originating and whatever their target; and

To preserve the spirit of comradeship by mutual helpfulness to comrades and their families.

The mission of this wonderful organization holds a special significance to me. I'm the proud son of a Jewish war veteran who volunteered as a teenager to serve our country and fought in the Battle of the Bulge, where he earned a Purple Heart.

My dad's no longer with us today, but with every veteran that I meet, I hear his voice and remember his love of country. It's a love of country that so many Jewish Americans hold in their hearts. Those who practice the Jewish faith hold in high regard a value for service, for justice and progress for all people.

These are values also embedded in the very fabric of this country. And it's for this reason today, on the fifth anniversary of Jewish American Heritage Month, that I am so proud to recognize the Jewish American men and women who, for centuries, not only have shaped our national culture, but have defended our people in times of great challenge.

Thank you, Mr. Speaker. And thank you, Congresswoman WASSERMAN SCHULTZ for arranging this wonderful evening.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. DEUTCH, and I'm really pleased that you chose to highlight in your remarks the contributions that our Jewish war veterans have made.

Last year, I think it was last year, Ms. SCHWARTZ, last year, we marked, the Jewish Members, a number of us and some non-Jewish Members, marked Jewish American Heritage Month by taking a trip to the Museum of Jewish Military History, which is based in Washington, D.C., and it was a museum that I was not familiar with, didn't know existed. And we had an opportunity, all the way back to the Revolutionary War, to see the contributions of Jews throughout our military history and how they proudly, so many of them, as you said, hundreds of thousands, proudly fought side by side with their fellow American citizens to defend the freedom that we continue to enjoy today.

So thank you so much for acknowledging that.

It's now my privilege to yield to my good friend, the gentlelady from Pennsylvania, who has been a leader, whom I've shared many a conversation with in the time we have served in the Congress together. We were elected in the same year and both served as State legislators, championing many of the same cases. She was a leader on health care in the Senate in Pennsylvania and has been a leader in the Jewish community in her own right, and I'm so glad you've joined us here tonight.

The gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I thank the gentlewoman, and I'm very pleased to join you this evening. Thank you for organizing it, and thank you, of course, for your sponsorship of the resolution that created the Jewish American Heritage Month. And I am very pleased, as the only Jewish member of the Pennsylvania delegation, to be able to speak tonight a bit about the contributions of Pennsylvania's Jewish communities, in particular, Philadelphia's Jewish community and the contributions we made.

I would be remiss if I didn't also say that I appreciate our colleague's comments before about Jewish veterans. And as many of my colleagues know, my father was a veteran serving in the Korean War, and certainly those experiences have helped inform who I am.

But this evening, I did want to talk a bit about some other subjects, and, in particular, let me start by saying that William Penn, who founded Pennsylvania in 1682 as a colony, did so making sure that the colony was based on religious tolerance.

The Philadelphia Jewish community has been around for a very long time and really came really expecting and being honored to be able to experience that religious tolerance, particularly in Philadelphia, and has been a part of Jewish Philadelphia and the Philadelphia community for generations. As early as 1735, Nathan Levy established himself in the import/export trade with his cousin David Franks in the bustling Philadelphia port. Well, today the Philadelphia port is still bustling, and it is one of the busiest ports in the Nation.

Philadelphia Jews have contributed to our national fabric through sciences, public service and through the arts. Just to name a few—and it's always risky to just name a few, but I will—philanthropist Sam Guggenheim and Watergate counsel Samuel Dash, Science Nobel Prize recipient Howard Temin, and the comic Larry Fine all were graduates of Philadelphia's public magnet school, Central High School, where my sons went to school, and certainly proud Philadelphians, and they are among the members of Philadelphia's Jewish community. Philadelphia continues to proudly distinguish itself as an important epicenter of American Jewish life.

As a new Member of Congress, I was very honored and proud to support Temple Beth Shalom, which is located on Old York Road in Elkins Park, Montgomery County—I represent Montgomery County—becoming a national historic landmark. It is the only synagogue designed by the great American architect Frank Lloyd Wright, and it is a remarkable place to see. I would commend it to all of my colleagues.

And looking forward, on November 14, 2010, the National Museum of American Jewish History will open its spectacular new facility on Philadelphia's Independence Mall. This museum is the only museum in America dedicated exclusively to exploring and preserving the American Jewish experience. And again, I encourage all of my colleagues, Jews and non-Jews, to visit this remarkable institution and to learn the stories of Jewish Americans, their challenges, their hardships, and their successes as they became a part of the fabric of who we are as Americans.

For me, the significance of American Jewish Heritage Month is marked by a story of one young woman named Renee Perl. Over 60 years ago, Renee fled Austria on a Kindertransport. Some of the Jews may know what that means. It was a children's train. Parents sent their children on this train hoping they would be embraced by strangers and taken care of. She was, of course, fleeing the Holocaust. After almost 2 years, first in Holland and then in England, she arrived alone on the shores of America, a 16-year old without family or friends, but armed with a keen sense of hope and expectation. As with many refugees, she was anxious to put her difficult experiences behind her and embrace her new country, which she did with deep gratitude.

Renee Perl was my mother. She instilled in me a deep love for this country and its capacity to provide not only safe harbor but opportunity. My mother's search for security and freedom in America is part of who I am and why I do what I do. It is a deeply personal reminder of the importance of democracy, not only for American Jews, but for so many. Her story, her life, as for so many others, calls on us to meet the responsibility we have to respect the values of our great Nation, to build and protect the freedom and hope that it offers to so many citizens and newcomers.

It is with pride and gratitude that I mark the occasion of American Jewish Heritage Month, and I am pleased to participate in this evening's discussion.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Ms. SCHWARTZ, I have to tell you that I've heard you share that story before, and I get a lump in my throat every time you tell it. It is so moving and meaningful for you to share that story in the Chamber of the U.S. House of Representatives, and it's one of the ways that we can help people understand why acknowledging the contributions of American Jews and the rich tapestry that we have weaved throughout American history is so important. So thank you again for sharing that story once again.

It's now my privilege to yield to one of the most significant Jewish leaders in our country, someone who has been a stalwart fighter for Israel, a stalwart fighter for the issues that matter to American Jews and to Jews across the globe, the gentlelady from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. Thank you very much, Ms. WASSERMAN SCHULTZ. We usually start our days together because we're next-door neighbors, and it's a pleasure to see you 14 hours later here on the floor of the House. But I want to thank you for spearheading this effort. I think it's very important. And I know this is near and dear to your heart, and you've done an extraordinary job year after year bringing the Jewish American story to our fellow citizens, and I appreciate it very much.

I can't help but agree with you about the beautiful story that our colleague, ALLYSON SCHWARTZ, spoke of. I leaned over to you and said, Is she talking about her grandmother? And you said, No, that's her mother. And I know how much that means. I also have heard her story many times, and it also puts a lump in my throat as well.

Congresswoman WASSERMAN SCHULTZ, my family story is very much an American Jewish story. And not unlike so many millions of other American Jews that came to our shores from other places, my mother's side of the family comes from Thessaloniki, Greece, where there was a very vibrant community, Jewish community prior to World War II. Half of the population of Thessaloniki, Greece were Jewish before World War II, but by the time the Nazis finished, there were only 1,000 Jews left in Salonika out of the 80,000 that existed and lived there and thrived there prior to World War II. I'm not presumptuous enough to think that my family would have been among those thousand chosen to live.

On my father's side of the family, from the Russia-Poland border, an entire culture, from 1,000 years of Jewish culture in that part of the world, was exterminated as a result of World War II. My family escaped both the Russia-Poland area and Thessaloniki, Greece in order to come to our Nation's shores. And I grew up hearing stories of what their lives were like where they came from and how thrilled and excited they were to come to the United States of America and truly felt this started as a haven. It was the very survival of my family. Had they stayed where they lived in Europe, we would have been exterminated in the Holocaust, but we did survive. We came to this remarkable country, where not only did we have an opportunity to survive, but we've had an opportunity to thrive.

I'm second-generation American. When my grandparents came here—and this is a story that is so common among American Jewish families—they couldn't speak English. They had no money. They had no skills.

□ 2145

The only thing they had was a dream, and that dream was that their children and their children's children would have a better life here in the United States than they had where they came from.

I often think of myself, and I hope this isn't too presumptuous, as my grandparents' American Dream. But I think even in their wildest dreams they never would have imagined that they would have a granddaughter that was serving in the United States House of Representatives. When I am doing this, I often think of my grandparents and realize that they went through so much in order to come to this country. And we have been able to share in the extraordinary success and largesse of this remarkable country.

We are very lucky as an American Jewish community to be very much a part of the fabric of this great country, to have full acceptance, to be able to access the highest levels of power, to actually be able to effectuate meaningful change in a very positive way by participating in the American political process.

My father, much like so many of the others that spoke today, is also a World War II veteran. He is 85. His name is George Levine. He is still working. But I think what demonstrates our commitment and our love of this country and our patriotism as American Jews is the fact that my father also joined the Navy when he wasn't quite old enough to do so. But he wanted to fight for his country. He wanted to stand up and do something positive for the United States of America to show that we belonged here and we were part of this great country.

There are 500,000 Jews that served in the American Armed Forces during World War II, including numerous Jews who rose to the rank of general, and several more were admirals. Now, my father was never an admiral in the Navy, but he served and he served his country proudly and well; and I continue to be very proud of him.

We have made more than a life for ourselves in the United States of America. We are very proud Americans, and we are very proud Jews. And we appreciate so much the fact that this country offered so many remarkable opportunities and gave us a chance not only for survival, but to become a part of something so much bigger than ourselves. I think it's incumbent, and I think most Jews feel this way, that given the rights that we have here in the United States also comes responsibilities.

Those responsibilities mean good citizenship and participating in the political process and voting and being knowledgeable and getting a good education so that you can not only be part of the foundation of this country, but to give back to a country that has given us so many opportunities. So I am very much a part of the American Jewish community, but it's a story that so many of us share with our fellow Americans.

Ms. WASSERMAN SCHULTZ, I want to thank you very much for giving us the chance to thank this great country not only for taking us in, but for letting us be so much a part of not only the culture and the political life, but to be very much involved in the greatness of the United States of America. Thank you for giving me this chance.

Ms. WASSERMAN SCHULTZ. Thank you so much for your eloquence, Ms. BERKLEY, and for acknowledging that a lot of people think about the arrival of Jews in America as really being an infusion after World War I, an infusion after World War II; but we have 353 years of Jewish life in this country. And, unfortunately, much of our arrival followed persecution in other parts of the world: after the Spanish Inquisition, the pogroms in Russia—that's when my family came initially in the 1800s—and then in the early 1900s fleeing Poland for a better way of life here. And it's so incredibly important that we tell our story.

Jewish American Heritage Month allows us to do that now. President Bush proclaimed it 5 years ago. We had 250 cosponsors, of which you were one, of the original legislation that urged him to do that. And one of the things that I really think is important to acknowledge is there is so much partisanship here in the House of Representatives. I was the most proud at the time that we passed that resolution unanimously out of the House. With over 400 Members voting for it, we had 250 cosponsors, bipartisan cosponsors, and then we had a bipartisan effort across the Jewish community in this country to urge the President at the time to proclaim the first Jewish American Heritage Month. And they did so willingly, put aside party differences because they knew that it was incredibly important. And we have continued to be able to mark the occasion every year.

Ms. BERKLEY. Well, if it wasn't for your leadership we might not be here this evening doing this, so I thank you. Congresswoman, when you and I hear the beautiful song ''God Bless America,'' it means a great deal to us because I think every day God bless America, God bless this country.

But the interesting thing is Irving Berlin gained prominence as a composer of patriotic songs. As you know, Irving Berlin was a very famous composer, he was Jewish, and he wanted to

show his love of this country and use his talents in order to create these remarkably patriotic songs. And ''God Bless America'' is still among my favorites. And he received the Congressional Gold Medal of Honor in recognition of his service to this country in composing these patriotic songs. So whenever I hear that song I get a little patter in my heart, and it particularly makes me proud that an American Jew composed it.

Ms. WASSERMAN SCHULTZ. Me as well. And in that same vein, Emma Lazarus was by far at the time the leading Jewish literary figure in 19th-century America. And it's her sonnet which was called ''The New Colossus'' that is engraved on the base of the Statute of Liberty: ''Give me your tired, your poor, yearning to breathe free.'' And then the rest is history.

Ms. BERKLEY. History.

Ms. WASSERMAN SCHULTZ. The rest is history, exactly. There are so many contributions that this month allows us to highlight. And I really thank you for joining us tonight, to continue to be able to do that. And I know we look forward to the rest of the month and the celebrations across the country.

Ms. BERKLEY. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you so much.

It is now my privilege to invite my colleague from the State of Florida, the gentleman from central Florida, who is a newly elected Member and who has done a fantastic job fighting for his constituents, fighting on behalf of the issues that are important to this country, and fighting to help particularly focus on job creation and turning our economy around, the gentleman and my friend from central Florida, ALAN GRAYSON.

Mr. GRAYSON. Thank you. It would be easy to spend this time that I have, and in fact this entire hour, talking about the contributions that Jewish people have made to American history and to American science and culture. If you look at the back of a dollar bill, you will find the seal of the United States. And you will find that the 13 original States are depicted in the form of a Star of David on the back of every dollar bill. And that's to reflect the support that Jews provided during the Revolutionary War for our freedom as a country.

It also would be easy to spend this time, and in fact the whole hour, talking about people who we know who have lived upstanding lives as Jews and reflected our values in ways that have caused America to appreciate what they have given us. I am thinking, for instance, of my father's mother, who came to America fleeing oppression in Europe 110 years ago. I am thinking of both of my mother's parents. My mother's parents told me that their finest hour was when they got to visit Jerusalem. And yet they came from Europe to North America in the hope of achieving freedom, and they did.

But I would like to try to do something that's in some respects a little more difficult, if I may, which is try to explain in some general way what Jews have meant in this country for our intellectual and moral life as a country. And I think it begins with the fact that we all lived as slaves. And we not only remember that time and remember what it meant for us to achieve freedom ourselves as a people, but we also make sure that each year we come together during a time that's important to all of us, to come together as families and remember the importance of that part of the Jewish experience. And that helps us to relate to other people who are oppressed in all sorts of ways.

We also, I think, are moved by the central concept, in my mind, of tikkun olam, healing the world. Now, this is a concept that dates in Jewish law all the way back to the Mishnah. And originally it was basically an injunction that you should not take advantage of other people. One of the original examples of tikkun olam, the principle of healing the world, was that for instance when the captives were taken, when people were held hostage in military battles, the tradition at that time was that they could be freed by a payment of money. We don't do that anymore, nobody does that anymore, but that was typical and ordinary in Biblical times.

And the rule of tikkun olam was applied to place a limit on how much you could take in order to give someone back their freedom. Why? Because that person was a prisoner, he or she could not defend himself or herself, and he or she wanted and deserved the freedom that every human being deserves. So under the idea of the concept of tikkun olam, we placed a limit on the price that you could pay on somebody's freedom, even if they were captured in the field of battle or otherwise taken hostage. And that's a concept that's broadened over time. It's a concept that I think is suffused through our life as a country in America today because it appeals to our better nature.

I saw something recently that summarized this in a way that I thought was particularly vivid. This is Rabbi Michael Lerner talking about the concept of tikkun olam and how it applies to modern life: ''We in the Tikkun community,'' he said, ''use the word 'spiritual' to include all those whose deepest values lead them to challenge the ethos of selfishness and materialism that has led people into a frantic search for money and power and away from a life that places love, kindness, generosity, peace, nonviolence, social justice, awe and wonder at the grandeur of creation, thanksgiving, humility and joy,'' especially joy I think, ''at the center of our lives.''

And what we strive for under Jewish law is a reflection of the future that we hope to bring about, the messianic age, the age when people live in peace, when their lives are filled with love and with joy. And our actions today are meant to point in that direction. I think that's a good summary of what we try to accomplish as legislators. I think it's a good summary of what America tries to accomplish when we appeal to our own better natures. And that's, I think, the greatest of all of our contributions to American life, the concept of tikkun olam, the concept that the way that we conduct ourselves is a way that can spread throughout the world. I appreciate the time.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. GRAYSON, for sharing your unique perspective. And, again, it's so incredibly important that we had this opportunity to acknowledge the contributions of Jewish Americans to American history.

And I can tell you, Mr. Speaker, that something that I am quite proud of is a contribution that I wasn't aware that I had made. Upon my election to the Congress in 2004, I learned that I was elected as the first Jewish woman to represent the State of Florida in Congress in history. And that's a source of great pride certainly to my parents, my Jewish parents, who were extremely proud and who kvelled, which is a Yiddish expression for a great bubbling of pride, so to speak. But it's something that has been a source of pride to me.

Mr. GRAYSON. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield.

Mr. GRAYSON. I am sure, and I know for a fact, that your parents must be very proud of you. But I will tell you that when I was elected, my mother's reaction was, I really wish you would become a doctor instead. I yield back.

Ms. WASSERMAN SCHULTZ. Thank you. That's right. They wished for a doctor or a lawyer; they got a Member of Congress. What can you do? They had to settle.

Mr. Speaker, as I wrap up, and I am going to yield the last portion of our time to my good friend from Indiana, but I do want to talk about this year's Jewish American Heritage Month. And it's been packed with programs celebrating the contributions of American Jews to our country with movies, cultural exhibitions, speakers, and innovative educational curricula.

Right here in Washington, the United Jewish Communities and the Jewish Historical Society of Greater Washington will once again be hosting what has become their annual tradition, a reception for Members of Congress and members of the Jewish community right here on Capitol Hill.

J Street will also be hosting a reception to celebrate May as Jewish American Heritage Month with Members of Congress, their staff, and the Jewish community. But that's not all. The Library of Congress and the National Archives and Records Administration has been hosting lectures and exhibits and discussions about Jewish contributions to America.

In my home State of Florida, there will be a celebration of Jewish contributions to the civil rights movement. And the Marlins baseball team will host a Jewish Heritage Game. I can share with you that I had the privilege of throwing out the first pitch last year at the Jewish Heritage Game, which was really neat. But at that game they have kosher food and Jewish music in-between innings, and it's really an incredible experience.

Cincinnati, Ohio will be hosting lectures, including one on President Lincoln's solid relationship with Jewish Americans. And Wyoming of all places will host a festival celebrating Jewish food. And Lord knows that we Jews like food a whole lot.

□ 2200

Events are also scheduled to occur in New York, California, Texas and other States around the country, but I think the thing that we are all the most proud of is that tomorrow we will join President Barack Obama and the first lady, who will hold the first ever White House celebration and ceremony honoring Jewish American Heritage Month and the contributions of Jewish Americans throughout American history. It's our first opportunity to have that celebration in the White House during the month of May and Jewish American Heritage Month.

Mr. Speaker, we have come a long way in recent years to promote appreciation for the multicultural fabric of the United States. It's our responsibility to continue this education. If we as a Nation are to prepare our children for the challenges that lie ahead, then teaching diversity is a fundamental part of that promise. Together, we can help achieve this goal of understanding with the celebration of Jewish American Heritage Month.

I thank my colleagues for their support and call on all Americans to observe this special month by celebrating the many contributions of Jewish culture throughout our Nation's history.

With that, I would be happy to yield to the gentleman from Indiana (Mr. DONNELLY) who hopefully will come up with a good segue from Jewish American Heritage Month to what he has come to share with us tonight about his constituents.

HONORING THREE SONS FROM SECOND DISTRICT OF INDIANA

Mr. DONNELLY of Indiana. Thank you very much. I want to thank my dear colleague from Florida and tell her what a vibrant and successful Jewish community we have in Indiana as well. We are very proud of our Jewish community there, and I want to thank you so much.

Mr. Speaker, as we near Memorial Day, I rise today also to offer some words in commemoration of those who gave their lives in the Armed Forces of the United States, in particular, three sons from the Second District of Indiana. This weekend, Members of this body will return to our districts and participate in Memorial Day parades and events that are a tradition of American life. People will picnic with their families, barbecue and watch parades, and people will honor our veterans and pay respects to those servicemembers who died in the line of duty in places large and small, in places like South Bend, Plymouth and Westville, Indiana.

Specialist Paul E. Andersen, an Army Reservist from South Bend, Indiana, died in action on October 1, 2009, by indirect fire from enemy forces. A 24-year veteran of the Armed Forces, Paul was competing his second tour of duty in Iraq.

A 1979 graduate of Buchanan High School just across the line in Michigan, Paul enlisted in the Army Reserves in 1985. After serving his first tour in Iraq, Paul met his future wife, Linda, at the home of a friend. They shared a love of country music, old movies, and strawberry milkshakes. Paul proposed marriage within just a few months, and they were married 3 weeks later.

Linda knew what the Army meant to Paul from the very beginning. When he reenlisted for 6 more years of duty, though, it was only after first seeking her consent.

When he asked her how she would feel if he opted to redeploy, she said, go ahead. ''I knew I married an Army man, he's my world, my life, my friend.''

In November of 2008, Paul served with the 855th Quartermaster Company from South Bend. Paul's mission in Iraq was to provide both shower and laundry services, as well as operating a clothing repair shop supporting coalition forces based in 10 different locations throughout the Iraqi theater. Without these crucial services that helped make life bearable for those fighting far from home, our soldiers would not have been able to perform their duties as ably as they do.

Paul will be remembered as a devoted husband, father, and grandfather. As a civilian, Paul worked at a tube and bending company. He loved to tinker with machines and was notorious among family members and friends for going overboard on the Christmas lights every year.

He lived a life full of love and joy. Specialist Andersen is survived by his wife, by six children, and by nine grandchildren.

Army Staff Sergeant Justin DeCrow of Plymouth, Indiana, died in a the tragic shooting at Fort Hood, Texas, on November 5, 2009. After 13 years of extraordinary service to his Nation, Justin was taken from his family, friends, and comrades, and he will be forever missed.

Justin always wanted to be a soldier. He graduated from Plymouth High School in 1996, and after marrying his high school sweetheart, that spring he enlisted in the United States Army. He answered the call to serve his country because of an unfailing love of America and also the opportunity to make a life for his family in a career like no other.

Early on, he performed light vehicle maintenance. In 2000, Justin and his family moved to Evans, Georgia, after he was assigned to nearby Fort Gordon, where he was trained as a satellite operator.

He would later go on to work in that capacity in South Korea. Last September, Justin was assigned to the 16th Signal Company at Fort Hood. He had hoped to soon return to Fort Gordon to be with his family.

While at Fort Hood, Justin distinguished himself by training new soldiers. He will be remembered by his fellow soldiers as a mentor with an undeniable charm and quick wit, and by friends and family as a loving and devoted father and husband.

Justin is survived by his wife of 14 years, Marikay, their 13-year-old daughter, Kylah, and two proud parents, Daniel DeCrow and Rhonda Thompson. He will be missed by them and by a grateful Nation forever in debt to a selfless man's kind heart and deep sense of service.

Marine Corps Lance Corporal Joshua Birchfield of Westville, Indiana, died in the Helmand Province of Afghanistan on February 19, 2010. After almost 2 years of accomplished service, Joshua was killed by small arms fire while on patrol during his first tour of duty in that country.

Josh graduated from Westville High School in 2004 and enlisted in the United States Marine Corps on April 18, 2008. He joined the marines after seeing a TV news segment focused on the hardships that military families endure when they are separated, especially during the holidays. Josh was deeply inspired by those who dedicated their lives in the service of others. He wanted to share that burden they were carrying on behalf of our Nation.

Lance Corporal Birchfield was stationed in Helmand Province as a rifleman with the Third Battalion, Fourth Marine Regiment, First Marine Expeditionary Force, based in Twentynine Palms, California.

For his service and support in Operation Enduring Freedom, Josh has been decorated many times, earning the Purple Heart, Combat Action Ribbon, National Defense Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon, and the NATO Medal. Joshua was a baseball enthusiast, and this coming weekend, I am proud that I will be there as the baseball field in Westville will be renamed in Josh's honor, a living memorial that will remain a place of joy and remembrance for years to come. And we all hope that we can live up to the example that Josh has given to all of us.

Joshua was also an inspiring hero to many in the tight-knit Westville community, and he will be remembered as a selfless and compassionate man. He is survived by both parents and sisters, extended family, and many, many friends.

We are forever in debt to these three great Hoosiers, all patriots in every

sense of the word and all brave Americans who have laid down their lives so that we may be safe, so that others might live without fear, and so that our country can remain safe and secure and strong.

Let us also remember today those brave Americans who are serving their Nation now here at home and in harm's way in places all around the globe. By choosing to serve their Nation in uniform, these sons and daughters, mothers and fathers, are continuing hundreds of years of a tradition of selflessness, excellence, and courage in protecting the freedoms and values we are blessed to enjoy as citizens of this beloved country.

Mr. Speaker, may the House of Representatives always do right by these fine men and their families, and may we never forget the price of freedom and those who have laid their lives down in service to this great Nation.

Ms. WASSERMAN SCHULTZ. I am really privileged to have been here to listen to the gentleman acknowledge the patriots that gave their lives and that have served our country so faithfully from his community, and I can tell you that the constituents of the district that he represents in Indiana have no greater friend, no greater advocate, than JOE DONNELLY.

With that, I yield back.

ILLEGAL IMMIGRATION AND THE ECONOMY

The SPEAKER pro tempore (Mr. MURPHY of New York). 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, as always it's an honor and privilege to be recognized by you here in the House to address you in the presence of the folks that are here in this Chamber.

I appreciate my colleagues in their presentation in the previous hour and their discussion about Jewish American Heritage Month. I want to say also to my friend, Mr. DONNELLY, the support for our troops and the grief that we have for those that we have lost goes deep for all of us, and I appreciate that sentiment as well.

I look at the democracy in the Middle East and the demonstration there that in 1948, a Nation that stood up and created a Nation, actually a people that stood up and created a Nation. I am very well identified with Israel, in particular because the generation of my life has almost mirrored the generation of the life of the Nation of Israel.

□ 2210

And so I would very much encourage the people in this administration to support Israel, support them in their self-defense in the Middle East, and understand that there have been some things that have taken place in this country that undermine the national defense of Israel and to send a message that might encourage their enemies.

I would like to send a message here tonight to encourage the nation of Israel, the Prime Minister, Benjamin Netanyahu, and all the people that stand up for liberty and freedom in that part of the world. It is one thing to defend your freedom and your liberty throughout the generations as we have through this country; it is another to be completely surrounded by enemies that would like to annihilate you as a people and as a country. We have no neighbors that draw maps of the world that erase the United States from that map—we do have some neighbors that would like to take some chunks out of the great Southwest of the United States and change the map of the United States of America.

We don't have any neighbors who seek to, when they educate their children, eradicate all of the United States of America. But that is the case with a number of the neighbors of the nation of Israel. And to be surrounded by those kind of people, people who raise their children and little girls to put suicide vests on at age 3 and walk them around to justify the homicide bombing activities that have taken place all over Israel over the years—and by the way, while I'm on the subject matter, many of those bombings have been reduced dramatically, significantly across Israel, and a lot of that has to do with the barrier they constructed between themselves and the West Bank. I've been there. I've seen that barrier and watched how effective it has been. And I've been a strong proponent of the construction of a barrier that would be that effective on our southern border in particular, where we have millions of illegal border crossers every year coming across our southern border into the United States. And there are those that will say that those that are coming across are just coming here to get a job. They just want to work. They just want to take care of their families. In fact, Mr. Speaker, many do, many do, but there are also many who do not.

Ninety percent of the illegal drugs consumed in the United States come from or through Mexico. And out of that huge human haystack of humanity that pours across our southern border every night, while the numbers are down a little bit—at least by the way we keep statistics, we can't be sure because we don't know—but the numbers, when I did have a reasonable measurement, there were 4 million illegal border crossings a year. I think if you take—and this is from memory, Mr. Speaker, so hopefully the accountants in the world won't hold me too accountable, but 4 million illegal border crossings a year divided by 365 days comes down to about 11,000 illegal crossers a night, on average, every night.

I have spent some time down there on those crossings at night at places like San Miguel's crossing to sit down there on the border. And some of the places along there, at its best, is three or four barbed wires that are stretched apart where illegals cross through, 11,000 a night, Mr. Speaker. And so you can take your historical measure by Santa Anna's army of someplace between 4,000 and 6,000 that surrounded and attacked the Alamo. It's 11,000 a night. So one might argue, and I think very effectively, that it is two to three times the size of Santa Anna's army that invaded Texas, every night, on average. And no, they don't all come with muskets and they're not in uniforms, but that is the magnitude of it every single night, on average.

And now I'm going to say, thankfully, the President of the United States has announced, I believe yesterday, that he was going to ask for $500 million and 1,200 National Guard troops to bolster the security at the border. Now, some of the people on my side of the aisle were immediately critical of it as being not enough, and I won't take issue with them on that part, it is not enough, but it is a good baby step. We have taken so many giant steps in the wrong direction, especially economically, in the effort to do so culturally and socially, that when I see a little baby step in the right direction, like 1,200 Guard troops going down to the southern border, that's a good thing. Little steps in the right direction are a lot better than giant steps in the wrong direction.

So 1,200 Guard troops at $500 million works out to be this, Mr. Speaker. That is an increase of border patrol personnel security of 6.5 percent, and it is an increase, from a budgetary perspective—$500 million divided by the roughly $12 billion we're spending on the southern border comes to about a 4.2 percent increase in the budget part of it.

Importantly, it sends the right message. And we need to emphasize and reinforce the message that's been sent, that this country, Democrats and Republicans—albeit in significantly different percentages within the parties, but it is a bipartisan position—that we need to stop the bleeding at the border, Mr. Speaker. All the rest of the things we might want to do don't account for much—as a matter of fact, they don't count for anything—if we don't stop the bleeding at the border.

I just came from a dinner where I sat down and listened to the narrative of an individual—whose wife actually told the greatest part of the narrative—who was kidnapped by the Mexicans in Mexico. One of the cartels that were the top-of-the-line human kidnappers had asked initially for $8 million in ransom and for 8 months kept this man in a box. He watched his weight go from 165 down to 80 pounds. And finally, finally after those 8 months and down to 80 pounds, he was released. That doesn't happen to all. Some aren't released. Some are killed in captivity. Many of them are brutalized. But when you see a person's weight shrink in half, you know that is brutalization. And this is what's going on in Mexico. There are

these kinds of activities that are threatening to throw out the politics of South America in countries like Brazil, for example, and Colombia would be another, and Peru would be another.

As I watch this unfold, it isn't a big surprise to us. When we see all the violence in the Southern Hemisphere and in Central America, it shouldn't be a big surprise to us when that violence spills over the border. And when Phoenix becomes the second highest kidnapping city in the world—and it would be first if it were not for Mexico City—I think it should be pretty clear to all of us here in the United States of America, Mr. Speaker, that the violence of the drug trafficking country of Mexico has spilled over into the United States, and the lawlessness that is a part of what goes on south of the border is now in greater numbers becoming the lawlessness that they are living with in Arizona and border States along the way. And when Arizona passed their immigration law, we heard, Mr. Speaker, what I would call a primal scream of desperation come up out of Arizona. And they passed the legislation that they could. They passed the legislation that they needed to protect and defend themselves.

Mr. Speaker, that is a long and deep subject which I intend to go into a little more deeply, but I recognize that the astute gentleman from east Texas, the ''Aggie'' himself, the judge, Mr. GOHMERT, is here with some actual facts and data that come off of a printed sheet rather than out of that globe of his that has so much knowledge in it.

And I would be so happy to yield as much time as he may consume to the gentleman from east Texas (Mr. GOHMERT.)

□ 2220

Mr. GOHMERT. Well, I do appreciate so much the comments of my friend from Iowa, and we do appreciate the comments of our colleagues in the hour previous to this, about the wonderful Jewish heritage in this country.

It is Jewish Heritage Month, and it does mean so much to this Nation when you look at the contributions of the Jewish immigrants into this country. This country has benefited so immeasurably from immigration, but it has to be legal, and there are a number of different aspects.

First of all, we've got, basically, a Third World immigration service. It needs to be cleaned out from top to bottom and from side to side. It needs to be streamlined and made more efficient, more effective. That has got to be done. It wasn't done effectively in the previous administration. It has got to be done. It is not being done now by this administration, and it has got to be done. It has grieved me much, in my 5½ years here, to hear people come down to the floor who talk about laws, who are spouting off things as facts, which are wrong, because they haven't read the bills.

My friend knows that, in our Republican Conferences, nobody had been more loud and emphatic than I in begging my colleagues, when we were going through the TARP bailout, to read the bill.

If you'll just read the bill, you'll see we don't do this in America. We don't give one person $700 billion.

We didn't have enough people read the bill. They didn't realize how much we were giving away the farm when the TARP bailout passed.

Likewise, we have people, including down Pennsylvania Avenue here, who have talked about this Arizona bill. I've got it here. It's 19 pages. That's with the amendments. It includes the amendments that were passed to make clear their position. I've gone through and, you know, I've highlighted different parts. It's what I do. I am not technically challenged. I love doing things on the Internet, finding things and doing good research on the Internet, but there is something about having a hard copy which I can go through and highlight, and that's what I've done here. This is not rocket science.

If you have read the law as it has come down from the Supreme Court and as passed by this Congress, you'll find out that this Arizona law is actually not as tough, as stringent as existing Federal law. You'll find out what this Arizona bill talks about in terms of what a law officer will do because it reads: For any lawful contact stop, detention or arrest made by a law enforcement official—well, a ''lawful contact stop'' means a law officer cannot stop you unless it is authorized under State or Federal law. In fact, if he were to violate someone's civil rights by unlawfully stopping someone, he has got a lawsuit. We've got a Federal law that allows you to go sue Arizona or the local law enforcement if they were to abuse their power. That's why the civil rights laws are there.

Any lawful contact.

There is a type of arrest that has been known since 1966 as a Terry Stop, and there is probably not a certified law officer in Iowa, in Texas, or in the country who has not had a class on what a lawful stop, a Terry Stop, is because under Terry vs. Ohio 1966, the Supreme Court discussed this. They said that you've got to have a reasonable suspicion that there has been some crime committed in order to have a detention stop. You can't just, you know, willy-nilly stop people.

Also, it could be a lawful stop if you see that somebody is violating the traffic laws. Sometimes officers will have a lawful stop, and they'll give you a warning. They could have given you a full ticket because they saw that you had violated a law or that maybe you had a taillight out or something, but it's a lawful stop. They stop you and wonder, perhaps, you know, are you carrying illegal drugs or something. Well, they're authorized to stop you for violating the traffic laws, and they're not bound to put on blinders when they do in order to see if you've violated something else while you're there, but not unreasonably.

If they've lawfully stopped a person for some purpose other than immigration and if they have a reasonable suspicion that the person is an alien, that a person is not lawfully present in the country, then this law allows them to make, as it says here, a reasonable attempt, when practicable, to determine the immigration status of the person.

Now, what Terry vs. Ohio made clear is a ''reasonable suspicion'' means you can't just say, Well, I suspected something. That's not good enough. In law school, when we studied Terry vs. Ohio, there was some terminology I had to practice saying before I got to class so that I could say it without, you know, stumbling and looking more ignorant than I might otherwise already look. The word was ''articulable.'' It rolls off pretty easily nowadays, but you can't just suspect. Well, I just had this suspicion. That's not good enough. It has to be a reasonable suspicion based upon articulable facts. If you cannot articulate facts that justify your suspicion, it's not reasonable. It's an unlawful stop, and it's probably a civil rights violation that's going to get the community or the State of Arizona sued successfully.

The Federal law allows even further stopping just to check to see if somebody may be legally present in the country. Federal law officers have the ability to do that if they think it appropriate. Arizona is just trying to deal with the fact that they have so many criminals in Arizona.

My friend mentioned a kidnapping. It is intolerable that one of our 50 States of these United States would have a beautiful, wonderful city like Phoenix and that that United States' city, here in the continental United States, would be the second most prolific kidnapping capital in the world. This isn't a Third World country where we have coups d'etat constantly and governments constantly changing hands so that you don't know who is going to enforce the law. This is the United States of America. Arizona is not some Wild West territory. To have Phoenix have the second most kidnappings in the world is intolerable, and it is an embarrassment for which this Federal Government owes an apology to border States like Arizona for allowing this kind of thing to go unstopped, unchecked.

This law is very reasonable. You know, basically, there is just one page—if people would bother to go check. On page 5, it talks about lawfully stopping someone who is operating a vehicle if he has a reasonable suspicion to believe the person is in violation of any civil traffic law. I mean, this is not an unreasonable law, but it does say repeatedly that a law enforcement official or agency of this State, county, city, town or other political subdivision may not consider race, color, or national origin in the

enforcement of this section except to the extent permitted by the United States or Arizona Constitution. Well, the Arizona Constitution cannot allow it if it is forbidden by the United States Constitution. So this is not some horrific bill as the President and others, including our President, have made it sound.

That's why it is a little bit irritating to have the President of Mexico come into this body as an invited guest, as a guest in this House, and say: I strongly disagree with the recently adopted law in Arizona. It is a law that not only ignores a reality, that cannot be erased by decree but that also introduces a terrible idea, using racial profiling as a basis for law enforcement.

□ 2230

That is why I agree with President Obama, who said the new law ''carries a great amount of risk when core values that we all care about are breached.''

He comes in here as an invited guest and completely misrepresents the facts, and tells the world here in this body to our faces that the Arizona law ignores a reality that cannot be erased by decree, and introduces a terrible idea that racial profiling is a basis for law enforcement?

I am sure that he does not lie, but that statement is a lie; that is not true. He just needed to read the bill, and apparently no one, I don't know if the Attorney General has read it yet, he hadn't read it when he came before our Judiciary Committee. Secretary NAPOLITANO, she owed the State of Arizona better than she gave it, and she had not read the bill, and she is out there condemning it. And then to have our invited guest come in here and condemn a law that he clearly had not read—I would be glad to give him a copy. It is not hard to get. But to come in here, that is just so outrageous.

But then he comes in and says, ''Because of your global leadership, we will need your support,'' this is President Calderon, ''to make the meeting in Cancun next November a success.'' And that is because he has come in and touted global warming.

For those that can't understand the politicalese that is used in here, what that statement means, and what all these 100 and some countries around the world have said, when they said we have got to have the United States' global leadership come into this global warming conference, what they mean is, if the United States doesn't come in as the patsy who is willing to pay all these other countries out of some guilt complex, then nobody else in the world is going to come in and start redistributing the wealth from America into all those other countries.

I appreciate President Calderon saying that, but the trouble is we are distributing plenty of wealth to Mexico. He mentioned it himself. The Merida Initiative, as I recall. This body passed a bill to give them $500 million, as I recall, to use to buy law enforcement equipment to help enforce their laws. We are pouring plenty of money into Mexico, so he doesn't need to try to go to some global warming meeting and try to construct some method of extorting more money out of the United States. We are giving them plenty.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas. I wanted to go back through a couple of points the gentleman has made with regard to the Arizona law.

One of them would be, my recollection is that ''lawful contact'' was amended to say ''stop, detention, or arrest.'' I happen to have had a copy that has the amendment integrated into the overall bill, and I was able to sit down and read that on Saturday morning.

Mr. GOHMERT. If the gentleman would yield, yes, it does say any lawful contact, stop, detention or arrest.

Mr. KING of Iowa. Didn't they strike ''lawful contact'' and just put in ''stop, detention, or arrest?''

Mr. GOHMERT. This is supposed to be the updated law as amended.

Mr. KING of Iowa. Your copy doesn't reflect that. I recall mine did.

Mr. GOHMERT. The gentleman needs to understand that ''lawful contact stop'' means you can't stop them unless you have a reasonable suspicion.

Mr. KING of Iowa. Let me suggest that ''lawful contact'' would mean, among it, ''lawful contact'' would be ''stop, detention, or arrest,'' so specific within those individual subcategories of lawful contact. So I think I make a distinction without a difference in the language as I recall it, and that is carefully crafted language.

When we look at the reasonable suspicion component of this, Mr. Speaker, I think about this; that I wrote the reasonable suspicion law in Iowa as a State senator for the Workplace Drug Testing Act that we passed in 1998. It has been in law for all of 12 years, and in that period of time, in fact 12 years and 2 months, I happen to remember it was St. Patrick's day in 1998 that it was signed into law, Mr. Speaker.

But we provide for an employer or employer's designee to direct an employee to undergo a drug test, and generally that will be a urinalysis, based upon a representative of the employer declaring that the employee in question has a reasonable suspicion that they are using or abusing drugs. That might be any of the indicators that have to do with bloodshot eyes, or dilated pupils, or erratic work habits, or showing up late, or let me say agitated nature or nervous nature, something of that nature.

So the designee of the employer can point to an employee and say, I have a reasonable suspicion that you are using drugs. Go get a drug test right now.

That has been an Iowa law for 12 years. It is more draconian than the Arizona reasonable suspicion law with regard to requiring the law enforcement officer to draw their reasonable suspicion and make a determination when he has reasonable suspicion as to the lawful presence of the individual that he has had lawful contact with and had a stop, detention, or arrest.

A reasonable suspicion, I would add also to the gentleman from Texas, who went to law school down there, that if I remember correctly, it is a specific, articulable fact, so that it has to be specified as well as articulable. I have trouble practicing that word too. I am doing it here. So I didn't go to law school to learn that.

But the reasonable suspicion language that is there is well settled, and it has been completely utilized for decades in the United States, and for at least 12 years in Iowa. Maybe it is the janitor, or it is the nurse or the truck driver, or maybe it is the accountant or the keyboard operator that is the designee of the employer, that has received 2 hours worth of training to start out and one hour worth of training each year to refresh them, and they are the ones that get to point their finger at somebody and not say, let me see your papers; it is, we will send you into the clinic here, and you can fill this jar up, and we will check it out and see if you are using illegal drugs.

I would submit that it is a little bit more invasive in a person's privacy to require a urinalysis than it is to require that they show their papers. Yet we have people across this country that are demonstrating against Arizona's immigration law, when all it does is ask the local law enforcement officers to carry out the function of enforcing immigration law, Arizona immigration law, which mirrors Federal immigration law in that practice, and it has been a requirement for a long, long time, perhaps half a century, that those who are in this United States that are not natural born citizens or naturalized citizens have to carry their papers if they are 18 years old or older. That has been a common practice. There appears to be no offense taken about that practice.

But here, behind where I stand, Mr. Speaker, we had President Calderon take issue with Arizona's immigration law. He said he strongly disagrees with the Arizona law, that it is a terrible idea that could lead to racial profiling. That is pretty close to the quote, not exact. Mr. GOHMERT provided it exactly.

So if President Calderon is so offended by the law that Arizona has passed, I would take him back to the simplest lessons in deductive reasoning that were perfected by the Greeks 3,000 years ago, and it would be this: President Calderon, if you are not offended by the United States Federal immigration law that sets a standard that is more stringent than the Arizona immigration law, but you are offended by the Arizona immigration law, the only logical deductive reason that could remain is that he is offended that Arizona law enforcement will be enforcing Arizona immigration law. So that would tell me President Calderon is insulted or offended by Arizona's State

and political subdivision law enforcement officers.

And I will suggest that the former Member of Congress from Colorado and my friend, Tom Tancredo, got it right when he said you can understand what is going on by the objectors of the Arizona law; the higher the level of hysteria, the greater their fear that the law is going to be effective.

□ 2240

They don't want the law to be effective. That's why they're demonstrating. They don't believe, if they've ever read the bill, they don't necessarily believe that it's unconstitutional or it violates a Federal preemption standard or that there's case law out there that prohibits local law enforcement from enforcing Federal immigration law. That isn't all a matter of their issue. They're contriving arguments that help them arrive at a result that they want, which is open borders, full-bore amnesty, paths to citizenship, more voters, more people coming into the United States to cash into this giant ATM called America.

And there was a point that was raised this morning in a breakfast that I hosted for the Conservative Opportunity Society. I will put it this way, since it's a confidential discussion that takes place in there. It was raised by one of the members from the upper Midwest, and I'll call it a rust belt State, who said he has watched as generations of Americans have arrived here from foreign lands, different countries other than the United States because they had a dream, because they had a passion. They wanted to build on that dream, and here they could have the freedom to do so. They have all the constitutional rights and protections that man has ever known, the right to property, the rule of law, in a nation that was founded on Judeo-Christian principles, which means we need less law enforcement than anybody else in the world. And people came here to build on that, and that vitality is a great core of the American experience and the American civilization.

But he raised the point that, when you start bringing in tens of millions of people who come here for a different reason, a different reason rather than to build, that people coming here believing that they can cash in on the welfare state, that there is somebody else that's going to do the work and there's going to be money that gets kicked out of this government machine—this giant ATM is the shorthand that I use for it—he worries about the future of our Nation because they and their children and their children's children would have a different view about what the work ethic is, for example; the responsibilities we have to stand up and support the rule of law and hold everyone accountable to the American Dream, which embodies a responsibility that we have to utilize this blessing that we have that's passed to us from the previous generations and to leave this world and this country in a better place than it was when we found it. That's an American Dream obligation. And if they come here for a different reason, this is a new phenomenon that hasn't taken place because we've only been a welfare state about a half a century.

When my grandmother came here a little over 100 years ago, she came into a society that was a meritocracy. And if people walked across the great hall at Ellis Island and they had a limp or a gimp or a bad eye or both eyes looked a little crazy or a little too pregnant, if something wasn't right, even though they'd been screened before they got on the boat, they put them back on the boat and shipped them back to the country that they came from. About 2 percent of those that arrived at Ellis Island were put back on the boat and sent back to the country they came from because the United States of America was filtering for good physical specimens, good mental specimens, generally, people who could sustain themselves in this growing country, a meritocracy. But today it's anything but.

Only 7 to 11 percent of the legal immigration in America is based on merit. The rest of it is completely out of our control, with family reunification and a whole lot of other plans under the sun, but not based on merit. And what kind of a country would not establish an immigration policy designed to enhance the economic, the social, and the cultural well-being of the United States of America?

That's one of my, I think, salient points, and I'd be happy to yield to the gentleman from Texas.

Mr. GOHMERT. Thank you. And the point is quite salient. And it brings to a point something I think my friend from Iowa and I can agree with part of the quote from our President that was quoted by President Calderon. And to give you the exact quote again, President Calderon, in talking about the Arizona law said that ''it introduces a terrible idea using racial profiling as a basis for law enforcement.'' Now, that is just blatantly not true, absolutely not true. Using racial profiling as a basis for law enforcement. That is, it flies in the face of the facts and the facts of this bill.

But then he goes on, and here's the part where I believe my friend would agree with me in congratulating the President, not on the first part of the quote, because he's applying this to the Arizona law, but he says the new law ''carries a great amount of risk when core values that we all care about are breached.'' But the part that is in there is so important to us in the United States, and that is that there is ''a great amount of risk when core values that we all care about are breached.''

Now, I grew up with my mother and dad telling me if I ever have an emergency, if I'm ever in trouble, look for someone in uniform because I can trust them. That's the way I grew up in Mount Pleasant, Texas, and that's the way I have taught our three girls growing up their whole lives, growing up in Tyler, Texas, that if there's a problem, even if you're worried you might have done something wrong, you go to somebody in uniform. You can trust them. And I've taught them the same thing.

You know, if somebody were ever kidnapped, no matter what the note said or whatever, you call the FBI. You can trust them. And I know so many FBI agents, and I do trust them. They're some wonderful agents. And I know they would lay down their lives in a second.

But what about when we come to the point when the Federal law enforcement is told by their commander in the White House that enforcing the law is a bad idea? That's problematic. And then that spills over until you have somebody who is charged and his whole job is enforcing the immigration laws, and he says, if Arizona sends somebody that they have detained because they're illegally in the country, he may not even enforce the law. See, that flies in the face, just like the President's quote says. There's a great amount of risk when the core values that we've taught our children, that we all care about, are breached.

And I'm telling you, when you have someone in the Federal Government charged with enforcing the law and they're being taught, and it's coming top down, ignore the law, don't enforce it, they're violating all the core values that we've tried to instill in our children and the things that we grew up believing, and this country is not the country we hoped for, that we dreamed for. It becomes like the country that so many immigrants flee illegally, because they're not based, their country does not have the rule of law that's in force. Too much graft and corruption.

You come to this country, don't ask us to ignore the rule of law. Some of us, like 4 years I had in the Army, time as a prosecutor, as a judge, as a chief justice, 5½ years in Congress, taking that oath that was given by the Speaker to the new Congressman DJOU from Hawaii, I mean, we took an oath to follow the law and we're supposed to support and defend the Constitution. This flies in the face of all those oaths when you say ignore the law, it means nothing; we'll get around to enforcing it some day down the road. It means I've spent most of my adult life for nothing because the rule of law means nothing.

So I would implore people, do not come to this country and ask me to say that my adult life has been for nothing, because the rule of law means something. It means nothing to them. It does mean something. It's meant something to me, and it always will, because I know, and I know my friend from Iowa knows, I know the Speaker knows, if we don't have the rule of law that's applied across the board, and I think better in this country than in any country in the history of the world, then we devolve into the ashes

from which we rose, and we are just a historic memory and nothing more.

I yield back to my friend from Iowa.

□ 2250

Mr. KING of Iowa. I thank my friend from Texas. I am standing here listening, thinking about what it means to be in a country that in the history of the world there has been no country that has more profound respect for the rule of law. And the thought that all this life in the law as a prosecutor, as a judge, as a Supreme Court Justice, all of that activity, to have someone declare that it's all for nothing, that it really didn't have any meaning, that behind it all it was a facade that was simply there to facilitate somebody's political agenda is what it would come down to.

And I think back throughout this course of history. And earlier I spoke of the Greeks, but I would take this law, this rule of law back to Rome, Roman law, Roman law that survived the Dark Ages and manifested itself as the foundation of old English common law, that came across to this country and arrived here, let me suggest, with the Mayflower 390 years ago, with the Pilgrims who came over here for religious liberty and religious freedom to get out from underneath the thumb of the King, and also to be able to worship as they pleased, and those traditions of old English common law that came here.

But the injustices that still came from English common law were the injustices that were corrected in a large way in the traditions and defined in the Declaration and corrected in the Constitution of the United States.

We are here and one of the reasons that we are a great Nation, one of the reasons that we are the unchallenged greatest Nation in the world is because one of the essential pillars of American exceptionalism is the rule of law, Mr. Speaker.

When we look at the difference between the country represented by President Calderon and the country represented by President Obama, our traditions are entirely different. As I listened to President Calderon's speech, he said we are founded on the same principles. He said they were founded 200 years ago on the same principles as the United States is my recollection from the speech. I don't have it in front of me.

It struck me that I would like to ask that question of him personally to explain that to me, how we are founded on the same principles, the right to life and liberty and the pursuit of happiness. Could that be in a Mexican Constitution somewhere that is 200 years old? I am not aware of that. I hope it is. I hope I just missed it, but I am not aware of that.

Life, liberty, and the pursuit of happiness, Mr. Speaker. This country was founded for religious liberty. It was founded on the rule of law. It was founded on the basic principles that our rights come from God, and that we hold these truths to be self-evident, that all men are created equal, and we are endowed by our Creator with certain unalienable rights, and among them are life, liberty, and the pursuit of happiness, Mr. Speaker.

And America was founded by a Nation who believed in freedom, a Nation of farmers and small shopkeepers, a Nation that rejected the aristocracy, a Nation that wrote in its Constitution that we are not going to confer any title or royalty on anybody in this country. We are going to shed those trappings of royalty, and we are going to be a Nation that is empowered from rights that come from God that come directly to the people, and the people bestow the responsibility on government. That's what America was founded upon.

And we believed for a long time that our voices mattered. We have been engaging in these debates well before the Declaration of Independence. Patrick Henry's speech was a manifestation of many decades of Americans seeking to rule themselves before they threw the yoke of King George off in 1776 and culminated with the ratification of the Constitution beginning in 1787 and finishing in 1789.

We are a different Nation. When I asked the Historian of Mexico in Mexico City a couple of years ago about the colonial experience of Mexico versus the colonial experience of the United States, his response was, well, about 7 percent of Mexico are the aristocracy, and they have run their country from the beginning. And 93 percent are the people who are being run. And they have no tradition of being able to have a voice that actually changed and shifted the government and directed the government. Not a government of the people, but a government of the aristocracy run for the aristocracy that managed and controls the people.

Now, I hope President Calderon is breaking that mold. I hope Vicente Fox started it along the way, and I hope President Calderon is breaking that mold. And I applaud him for the courageous approach that he has had in taking on the drug cartels. They have suffered thousands and thousands of casualties in the middle of this war against the drug cartels, but they have a very heavy lift down there. It isn't that Mexico mirrors that experience of the United States, in my view. I think it's a different history, it's a different experience, it's a different culture, and a different set of traditions.

And, yes, we can be friends, and we are trading partners, and we need to enhance those trades. And I want to be supportive of the effort to shut down the drug cartels. And we have, Mr. Speaker, a responsibility in this country to shut down illegal drug consumption so that we can turn down the magnet that draws so many illegal dollars out of the United States into Mexico and the violence that's committed there and points south, and there and points into the United States. All of that is part of the picture. We haven't addressed our side of this problem very well at all. And we point our finger at Mexico. I want them to do their job too.

But we can, by golly, shut off the bleeding at the border. That we can do. And there are $60 billion a year that are wired out of the United States into the Western Hemisphere, points south. About $30 billion of it goes into Mexico; about $30 billion goes into Central America, the Caribbean, and South America. And the Drug Enforcement Agency does not even have an estimate on what percentage of that $60 billion is laundered illegal drug money.

I would hang that point out there and yield to the gentleman from Texas.

Mr. GOHMERT. Thank you. Some say, well, if you are a caring Nation then you ought to just welcome anybody that wants to come. The problem is because this Nation has been so richly blessed, and because we have been a Nation that believed in the rule of law and enforced it more fairly across the board than any nation in the history of the world, then opportunities have abounded here. And so it has been a draw.

And I know my friend from Iowa was chairman of the Immigration Subcommittee on which I was privileged to serve, and so I know he is aware of these statistics, but it's estimated that between out of the over 6 billion people in the world that 1 billion to 1.5 billion people in the world would like to come to America. And as most folks know, we have over 300 million in this country now.

But if we were to just say there are no borders, you want to come, come on, we are just giving up on our obligation to protect the economy and the people and the way of life in this country, so come on. One billion to 1.5 billion people would overwhelm this Nation. It could no longer be the greatest Nation in the world because you couldn't have an organized, sustained society with a government that functioned. It would be overwhelmed.

So in order to continue to be that light on the hill, that beacon that Reagan talked about, we have to make sure that we have managed immigration, that we continue to be a beacon so people want to come here, but that we control the immigration so it doesn't overwhelm the economy so that this becomes a matter of regret for those who have come here.

Now, I know, as my friend from Iowa has done, and I guess most of us, assist people who have immigration problems. And so we have some wonderful dear Hispanic friends, constituents whom we are helping to try to legally get in family because they want to abide by the law. They want to do the right thing because they know the law is important.

And some people that I love very dearly are Hispanic immigrants. And, you know, having been invited to come

to family functions and back when I was a judge, one of the great honors of my time as a judge was to marry a couple. And her parents were immigrants. And it was just so moving. It brought tears to my eyes. But I look around at this Hispanic group of family, and what comes to my mind when I am with them, when I see them is they believe in the things that made America great.

This family, these dear friends, they believe in God, they have a love of family that's unrivaled, and they have a hard-work ethic like virtually nobody else can even aspire to. It's a beautiful thing. And I have great hopes that those three things that you find generally so often in Hispanic communities are what's going to reinvigorate this country and get us back on track and get us back to the very things George Washington prayed for this country when he resigned as commander in chief of the Revolutionary military. Those are good things.

But we owe it to all of the people, those who have immigrated legally, those who have been here, grandchildren, great grandchildren of immigrants, people that are Native Americans, we owe it to all of them to keep this country strong so it continues to be a land of opportunity.

□ 2300

I come back to that prayer that George Washington had when he wrote, himself, that was at the end of his resignation, and of course, it was the only time in human history where someone led a revolutionary military, won the revolution, and then resigned and went home. Never happened before, never happened since.

At the end, Washington's words were these, I now make it my earnest prayer that God would have you in the state over which you preside in his holy protection.

I know my friend had people, as an employer, providing paychecks, you probably had people resign. You may not have had people put prayers like this on the end of their resignation, but Washington goes on that he, God, would incline the hearts of the citizens to cultivate a spirit of subordination and, get this, and obedience to government. To entertain a brotherly affection and love for one another, for their fellow citizens of the United States, and particularly for the brethren who have served in the field, and, finally, that he would most graciously be pleased to dispose us all to do justice.

That's part of the prayer. How can you do justice? You follow the law. You are just. To the rich and the poor you are just to everyone. Race, creed, color, nationality, religion, prayer, that was part of Washington's prayer.

Then he goes on to love mercy, you can't have mercy unless you have justice in the first place.

Washington goes on: And to demean ourselves with a charity, humility, and pacific timbre of mind which were the characteristics of the divine author of our blessed religion, and without an humble limitation of whose example in these things, we can never hope to be a happy Nation.

He signed it, I have the honor to be, with great respect and esteem, your Excellency's most obedient and very humble servant, George Washington.

Now, that's a resignation, that's a prayer.

Mr. KING of Iowa. Did he sign that in the year of our Lord?

Mr. GOHMERT. This resignation he did not, but, of course, we know that most things were signed in the year of our Lord, including our Constitution. So I find it remarkable when some people around here have said, well, it would be unconstitutional to sign things around here in the year of our Lord. I pointed out how can it be unconstitutional to sign things in the year of our Lord, whatever the year number is, when that is exactly how the Constitution itself is signed and dated.

Mr. KING of Iowa. I reflect back on talking about George Washington and the eloquence that he had and the love for his fellow man and for his country and how great it would have been if Fidel Castro would have stepped down about the time that he finished a term or two in Cuba and how much different this Western Hemisphere would be.

What if we didn't have people like Hugo Chavez down there that seek to be President for life and impose their version of Marxism, their version of emperor's law, which is one of the foundations of empire. If you look around and you look at empires, they are run by emperors. They are run by the law of the emperor, not the law that comes from God that sees justice blindly, and the level kind of justice for whomever it might be, rich or poor.

I am thinking about this Arizona law again and how it's been misrepresented across this country. I am not very forgiving for what has happened here. When you have the highest official and officials in the United States Government that either shoot from the hip or willfully misinform the American people, and it starts with the President of the United States himself.

When the Arizona law was passed he almost immediately said that a mother and her daughter could be going to get some ice cream, and they could be targeted because of how they looked and be required to produce their papers. That was a race card thrown into the middle of this debate based upon no fundamental facts, Mr. Speaker.

Then behind that we had Eric Holder the Attorney General, testifying before the Judiciary Committee a week and a half ago, if I recall correctly, about a week and a half ago with Eric Holder. As he was asked these series of questions, he had made the point that he thought that there was a potential for racial profiling that could take place. Then, Mr. Speaker, we found out, and I think Eric Holder may know by now, that he misunderstood the law, but he hadn't read the law.

We found out, when Congressman TED POE, also a former judge from Texas, asked him the question, have you read the bill? He said, no, he hadn't. He hadn't been briefed on the bill.

But he had a few things to say about it, and prior to the Judiciary Committee, about its lack of constitutionality. Well, that's the Attorney General, who also testified that he is a nonpartisan office, that he is simply going to enforce the law.

Then we have the Secretary of Homeland Security, Janet Napolitano, and she had remarks to make about how the bill could be used for racial profiling. It's obvious that she didn't read the bill. In fact, she confessed to Senator MCCAIN in a hearing that she didn't read the bill.

Then we had the Assistant Secretary of Homeland Security, who heads up ICE, John Morton, who made a statement, I believe it was to The Chicago Tribune newspaper, that he wasn't committed to necessarily picking up the individuals that would be incarcerated by Arizona law enforcement that had violated U.S. and Arizona immigration law.

The law enforcement officer, the chief law enforcement officer for Immigration and Customs Enforcement, sent a message, not yet to be retracted, that he wouldn't commit to picking up these individuals that had been picked up by Arizona law enforcement, because he disagreed with the law. Breathtaking.

What would George Washington have said to think that the top enforcer of American immigration law, the Assistant Secretary of Homeland Security John Morton, would even intimate that he had any options about enforcing the law?

I would say, Mr. Speaker, that it isn't his option. It's not the option of the President of the United States to decide whether to enforce the law. It's not the option of the Attorney General to decide whether to enforce a law, or, the Secretary of Homeland Security, or the Assistant Secretary of the Immigration and Customs Enforcement; none of them have the option. They are executive branch employees. Their oath is to uphold the Constitution to the best of their ability and to faithfully execute the laws. That's their job.

This Congress sets the legislation and sets its policy. The executive branch carries it out. They don't get to have discretion. I will submit to John Morton, Janet Napolitano, Eric Holder, or even President Obama. President Obama could do a John Adams.

Come back here, run for office, come to Congress. If you like to set policy, get in the legislative business. Don't be in the enforcement business.

I am not seeking to enforce a law myself. I am saying here is the law. The Federal Government has immigration law, and you have an obligation, if you are the President of the United States, or an executive branch officer

with that duty, to enforce that law. Our job is to set the policy and pass the laws.

You know, I will go even further. Michael Posner, Assistant Secretary of State, he said he brought it up early and often to the Chinese that we had a problem with a law in Arizona that could bring about racial profiling. These are the people, we have got 40,000 Chinese in the United States that have been adjudicated for deportation. The Chinese won't take them back. And we are sending them some 550-year-old bones from paleovertebrates, so they can keep their artifacts straight.

We need to send them the 40,000 Chinese that they won't take, deport them as well as the bones, Mr. Speaker. And, additionally, Felipe Calderon on top of this. The American people have been misinformed by the President, by the Attorney General, by the Secretary of Homeland Security, the Assistant Secretary of Homeland Security, by the Assistant Secretary of State Posner. Then the President of Mexico takes his talking points from the White House and comes to this floor and lectures and chastises us that we have a law here, that I will say is completely constitutional. I will make this further prediction, Mr. Speaker, and that is that the announcement came out today that the Justice Department under Eric Holder now has a legal brief that recommends that they bring suit against Arizona.

□ 2310

Here is my prediction: ACLU has written that legal brief for the Justice Department. That apolitical, nonpolitical Justice Department has a brief that one day we'll get our hands on, a draft brief. Release the draft is what needs to happen from the Attorney General. But in that draft we'll find the ACLU that has already sued Arizona with a 98-page case, there is the document that they're using to put their brief together in the Justice Department.

The President gave the order to the Attorney General to look into Arizona's law. And the Justice Department, under Attorney General Holder, looked at the lawsuit that's been brought by the ACLU and MALDEF and other organizations that are hardcore left wing, including SEIU, and they have lifted the language right out of that lawsuit, and that will be the draft, Mr. Speaker. That's my prediction. I put my marker down. When we get our hands on the draft from the Attorney General's office, I will take that draft and I will take the language and I will highlight the language right out of the ACLU's lawsuit. And I'll show you how the Justice Department lifted that language out of the lawsuit of the ACLU and MALDEF—the Mexican American Legal Defense Foundation—and put it right into their draft advisory. And the Federal Government will be conducting and carrying out the order of the President—in a nonpolitical office, supposedly, according to Holder's testimony—at the direction of the ACLU and MALDEF and LARASA and the other organizations, SEIU and many others that are hardcore, leftist organizations in this country.

If we're going to have the rule of law, it's got to be impartial. It's got to be objective. It's got to be constitutional. It's got to be statutory, and it's got to be consistent with case law. Arizona's law is all of those things, but this Justice Department's unjustified attack on Arizona is anything but.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas.

Mr. GOHMERT. I just want to say, the President said he would fundamentally transform America. And when the executive branch charged with enforcing the laws of the country won't read them, won't follow them, and won't enforce them, that's a fundamental transformation.

Our friend, CYNTHIA LUMMIS from Wyoming, prepared this chart. One final note on fundamental transformation: This chart, when you have the blue line, the private job sector hiring, shooting down like this and the red line, the public government hiring, shooting up like that, you have fundamentally transformed America.

With that, I yield.

Mr. KING of Iowa. Reclaiming my time and, Mr. Speaker, yielding back the balance, should there be any.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4213, TAX EXTENDERS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–497) on the resolution (H. Res. 1403) providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–498) on the resolution (H. Res. 1404) providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today after 2:30 p.m.

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. TOWNS) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. HASTINGS of Florida, for 5 minutes, today.

Ms. BEAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BOOZMAN, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, May 27.

ENROLLED BILL SIGNED

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. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

ADJOURNMENT

Mr. PERLMUTTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, May 27, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7649. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2009-0551; FRL-8818-8] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7650. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Phosphate Ester, Tallowamine, Ethoxylated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0165; FRL-8816-4] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7651. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2009-0139; FRL-8820-4] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7652. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 355(h); to the Committee on Armed Services.

7653. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period January 1, 2009 through December 31, 2009, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7654. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8823-7] (RIN: 2070-AJ55) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7655. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes to the General Provisions [EPA-HQ-OAR-2008-0508; FRL-9143-5] (RIN: 2060-AQ15) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7656. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 1 [EPA-R08-OAR-2009-0790; FRL-9114-3] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7657. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Discrete Emission Credit Banking and Trading Program [EPA-R09-OAR-2010-0148; FRL-9151-6] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Emission Credit Banking and Trading Program [EPA-R06-OAR-2010-0147; FRL-9151-5] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7659. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Participation by Federal Candidates and Officeholders at Non-Federal Fundraising Events [Notice 2010-11] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites offshore of the Sinuslaw River, Oregon [EPA-R10-OW-2010-0086; FRL-9143-2] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7661. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1882-DR for the District of Columbia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7662. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1886-DR for the State of South Dakota; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7663. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1887-DR for the State of South Dakota; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7664. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1885-DR for the State of Kansas; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

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. SKELTON: Committee on Armed Services. Supplemental report on H.R. 5136. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 111–491, Pt. 2).

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5114. A bill to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes; with an amendment (Rept. 111–495). Referred to the Committee of the Whole House on the State of the Union.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. 111–496). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1403. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111–497). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1404. Resolution providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes (Rept. 111–498). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 5402. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 5403. A bill to direct the Secretary of Defense to temporarily adjust the reimbursement rates for TRICARE claims in Alaska; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 5404. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for a member or former member of a reserve component who is eligible for retired pay but for age and for dependents of the member who accompany the retiree; to the Committee on Armed Services.

By Mr. RADANOVICH:

H.R. 5405. A bill to provide for a visitor center for visitors to Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Washington (for himself and Ms. SHEA-PORTER):

H.R. 5406. A bill to establish the Corporate Subsidy Reform Commission to review and identify inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 5407. A bill to establish the Program Reform Commission to review and identify unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to express the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Oversight and Government Reform.

By Mr. GOODLATTE (for himself, Mr. SCHIFF, Mr. SMITH of Texas, and Mr. PUTNAM):

H.R. 5408. A bill to amend title 18, United States Code, to change the state of mind requirement for certain identity theft offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. BACA, and Mrs. MALONEY):

H.R. 5409. A bill to establish the Residential Construction Loan Guarantee Program to guarantee loans made to eligible home building companies for viable building projects; to the Committee on Financial Services.

By Mr. LIPINSKI:

H.R. 5410. A bill to amend the Federal Election Campaign Act of 1971 to prohibit corporations which are subject to certain criminal or civil sanctions from engaging in campaign-related activity under such Act, and for other purposes; to the Committee on House Administration.

By Ms. KOSMAS:

H.R. 5411. A bill to direct the Secretary of Commerce to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mrs. DAHLKEMPER, Mr. PETERS, Mr. MURPHY of New York, Mr. QUIGLEY, Mr. BRIGHT, Ms. MARKEY of Colorado, Mr. MICHAUD, Mr. LIPINSKI, Mr. ELLSWORTH, Mr. POLIS, Mr. COOPER, Mr. KLEIN of Florida, Mr. MOORE of Kansas, Mr. HILL, Mr. WELCH, and Mrs. HALVORSON):

H.R. 5412. A bill to amend the Small Business Investment Act of 1958 to increase maximum loan amounts under the program in title V of that Act, to provide temporary authority for debt refinancing of commercial real estate, and for other purposes; to the Committee on Small Business.

By Mr. BACA (for himself, Mr. KILDEE, Mr. GRIJALVA, Mr. BOREN, Ms. RICHARDSON, Mr. HONDA, and Mr. LUJÁN):

H.R. 5413. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina:

H.R. 5414. A bill to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes; to the Committee on Agriculture.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. TEAGUE):

H.R. 5415. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 5416. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5417. A bill to amend titles XIX and XVIII of the Social Security Act, as amended by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, with respect to payment of disproportionate share hospitals (DSH) under the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON:

H.R. 5418. A bill to provide emergency operating funds for public transportation; to the Committee on Transportation and Infrastructure.

By Mr. NADLER of New York:

H.R. 5419. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself and Mr. COFFMAN of Colorado):

H.R. 5420. A bill to provide a tax credit for job training by successful companies, and for other purposes; to the Committee on Ways and Means.

By Mr. NEUGEBAUER (for himself, Mr. CHAFFETZ, Mr. BURGESS, Mr. BARTLETT, Mr. ISSA, Mr. BRADY of Texas, Mr. AKIN, Mr. MARCHANT, Mr. BROWN of South Carolina, Mr. POSEY, Mr. ROONEY, Mr. FLEMING, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. WILSON of South Carolina, and Mr. LAMBORN):

H.J. Res. 87. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. JORDAN of Ohio (for himself and Mr. PRICE of Georgia):

H. Con. Res. 281. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2011, revising the appropriate budgetary levels for fiscal year 2010, and setting forth the appropriate budgetary levels for fiscal years 2012 through 2020; to the Committee on the Budget.

By Ms. ZOE LOFGREN of California:

H. Res. 1397. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to. considered and agreed to.

By Mr. ACKERMAN:

H. Res. 1398. A resolution recognizing the contributions of university and college immigrant assistance programs; to the Committee on Education and Labor.

By Mr. BERRY:

H. Res. 1399. A resolution honoring the lives, and mourning the loss, of Sergeant Brandon Paudert and Officer Bill Evans, members of the West Memphis Police Department; to the Committee on the Judiciary.

By Ms. LEE of California:

H. Res. 1400. A resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. KING of New York):

H. Res. 1401. A resolution expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. MANZULLO, Mr. COBLE, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TERRY, Mr. KIRK, Mr. WELCH, Ms. MCCOLLUM, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOOZMAN, Mrs. MYRICK, Mr. ROTHMAN of New Jersey, Mr. REHBERG, Ms. SCHAKOWSKY, and Mr. MAFFEI):

H. Res. 1402. A resolution recognizing the 50th anniversary of the National Council for International Visitors, and expressing support for designation of February 16, 2011, as ''Citizen Diplomacy Day''; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

299. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1623 urging the United States Congress to require the Environmental Protection Agency to exclude air monitoring data from use in determinations for the area of Flint Hills; to the Committee on Energy and Commerce.

300. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Concurrent Resolution No. 64 urging the Congress to amend the Tenth Amendment; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. SCHIFF and Ms. LORETTA SANCHEZ of California.
H.R. 272: Mr. BLUNT.
H.R. 413: Mr. SCHAUER.
H.R. 442: Mr. GINGREY of Georgia.
H.R. 460: Ms. TITUS.
H.R. 716: Ms. TITUS.
H.R. 1194: Mr. PAULSEN.
H.R. 1205: Mr. HASTINGS of Florida and Mr. WU.
H.R. 1826: Ms. VELÁZQUEZ.
H.R. 1844: Mr. BLUMENAUER.
H.R. 1884: Mr. SHULER, Mr. HALL of New York, and Mr. CONNOLLY of Virginia.
H.R. 1925: Mr. GRAYSON.
H.R. 2000: Mr. REHBERG.
H.R. 2030: Mr. SMITH of Washington.
H.R. 2103: Mr. SMITH of Washington and Ms. PINGREE of Maine.
H.R. 2159: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, and Mr. FILNER.
H.R. 2163: Mr. CONNOLLY of Virginia.
H.R. 2164: Mr. CONNOLLY of Virginia.
H.R. 2243: Mr. LUJÁN.
H.R. 2305: Mr. BARRETT of South Carolina.
H.R. 2378: Mr. HINCHEY.
H.R. 2381: Ms. PINGREE of Maine.
H.R. 2555: Ms. ESHOO.
H.R. 2733: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3077: Ms. PINGREE of Maine and Mr. WALZ.
H.R. 3332: Mr. KAGEN.
H.R. 3486: Mr. LARSEN of Washington.
H.R. 3502: Mr. CLEAVER and Mr. GARAMENDI.
H.R. 3786: Mr. SCHAUER.
H.R. 3924: Mr. GARY G. MILLER of California and Mr. COLE.
H.R. 4051: Mrs. DAHLKEMPER, Mr. ARCURI, and Mr. THORNBERRY.
H.R. 4072: Mr. HILL.
H.R. 4128: Ms. SCHAKOWSKY, Mr. KILDEE, and Mr. HOLT.
H.R. 4195: Mr. HOLT.
H.R. 4287: Mr. PERLMUTTER.
H.R. 4296: Mr. PLATTS.
H.R. 4376: Mr. FILNER, Ms. NORTON, and Ms. TSONGAS.
H.R. 4400: Ms. LORETTA SANCHEZ of California.
H.R. 4494: Mr. DUNCAN.
H.R. 4538: Mr. HONDA.
H.R. 4568: Mr. SIRES.
H.R. 4598: Mr. ARCURI.
H.R. 4684: Mr. OLSON, Mr. MILLER of Florida, Mr. ELLISON, Mr. HALL of Texas, Mr. STUPAK, Mr. GERLACH, Ms. NORTON, Mr. BOREN, Mr. FILNER, Mr. LAMBORN, Mr. CAPUANO, Mr. CLAY, Mr. PETERSON, Mr. POLIS, Mr. BRIGHT, and Ms. LEE of California.
H.R. 4751: Mr. HELLER.
H.R. 4796: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4914: Mrs. MALONEY, Ms. RICHARDSON, Mr. SIRES, and Mr. MORAN of Virginia.
H.R. 4947: Mr. BARROW.
H.R. 4959: Mr. RANGEL.
H.R. 4993: Ms. NORTON and Mr. MURPHY of Connecticut.
H.R. 5012: Mr. GRIJALVA.
H.R. 5029: Mr. COFFMAN of Colorado, Mr. PLATTS, Mr. GARRETT of New Jersey, Mr. MORAN of Kansas, and Mr. MCHENRY.

H.R. 5032: Mr. HIMES.
H.R. 5034: Mr. OBERSTAR.
H.R. 5079: Mr. GRIJALVA.
H.R. 5092: Mr. MURPHY of New York, Mr. MARIO DIAZ-BALART of Florida, Mr. DJOU, Mr. BOSWELL, Mr. POMEROY, Mr. HINOJOSA, Mr. THOMPSON of California, Mr. YARMUTH, Mr. MARKEY of Massachusetts, Mr. INSLEE, and MR. HEINRICH.
H.R. 5096: Mr. GRIJALVA.
H.R. 5126: Mrs. EMERSON.
H.R. 5137: Mr. ROTHMAN of New Jersey and Ms. NORTON.
H.R. 5142: Mr. DOYLE.
H.R. 5151: Mr. CASTLE.
H.R. 5157: Mr. MURPHY of New York.
H.R. 5214: Mr. GRAYSON, Mr. TIERNEY, Mr. SESTAK, Ms. MCCOLLUM, Mr. FRANK of Massachusetts, Mr. CONYERS, and Ms. DELAURO.
H.R. 5236: Mr. SIRES.
H.R. 5258: Mr. FLAKE and Mr. LOEBSACK.
H.R. 5260: Mr. MURPHY of Connecticut, Ms. WASSERMAN SCHULTZ, and Mrs. LOWEY.
H.R. 5263: Mr. BURTON of Indiana and Mr. GRIFFITH.
H.R. 5268: Mr. PERRIELLO.
H.R. 5289: Mr. GRIJALVA and Ms. SPEIER.
H.R. 5294: Mr. YOUNG of Alaska.
H.R. 5299: Mr. GOODLATTE, Mr. MCKEON, Mr. POE of Texas, Mr. FORBES, Mr. MCCOTTER, Mr. COBLE, and Mr. COFFMAN of Colorado.
H.R. 5306: Mr. YOUNG of Alaska.
H.R. 5339: Mr. CONAWAY, Mr. AKIN, Mr. BARTLETT, Mr. ISSA, Mrs. BACHMANN, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. FLEMING, Mr. ROONEY, Mr. POSEY, Mr. MARCHANT, Mr. BRADY of Texas, and Mr. DANIEL E. LUNGREN of California.
H.R. 5340: Mr. BISHOP of Utah, Mr. PAUL, Mr. LAMBORN, Mrs. MYRICK, Mr. AKIN, and Mr. POE of Texas.
H.R. 5348: Mr. LAMBORN.
H.R. 5351: Mr. ROGERS of Alabama, Mr. ALEXANDER, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. MCCAUL, and Mr. WILSON of South Carolina.
H.R. 5353: Mr. MCGOVERN.
H.R. 5354: Mr. SPACE.
H.R. 5357: Mr. HALL of Texas, Ms. GIFFORDS, and Mr. CALVERT.
H.R. 5374: Mr. YOUNG of Florida, Mr. GINGREY of Georgia, Mr. SHUSTER, Mr. MANZULLO, Mr. MARCHANT, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. ISSA, Mr. BARTLETT, Mr. PENCE, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. FLEMING, Mr. POSEY, and Mr. BROWN of South Carolina.
H.R. 5382: Mr. PENCE, Mr. BURGESS, Mr. NEUGEBAUER, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BILBRAY, Mr. KING of Iowa, and Mr. ROONEY.
H.R. 5396: Ms. BERKLEY and Mr. PITTS.
H.R. 5400: Mr. FILNER, Mr. PERRIELLO, and Ms. SCHWARTZ.
H.J. Res. 76: Mr. JONES and Mr. WALDEN.
H. Con. Res. 261: Mr. KINGSTON.
H. Con. Res. 265: Mrs. LUMMIS.
H. Con. Res. 266: Ms. FOXX, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. NUNES, Mr. DAVIS of Tennessee, Mr. INGLIS, and Mr. CONYERS.
H. Con. Res. 267: Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 273: Mr. PETERSON.
H. Con. Res. 274: Mrs. MCMORRIS RODGERS.
H. Res. 173: Mr. SHIMKUS.
H. Res. 536: Mr. DENT and Mr. FRANK of Massachusetts.
H. Res. 989: Mr. KUCINICH.
H. Res. 1052: Mr. OWENS.
H. Res. 1138: Mr. FRANK of Massachusetts.
H. Res. 1207: Mr. CAMP and Mr. COFFMAN of Colorado.
H. Res. 1209: Mr. DINGELL.
H. Res. 1217: Mr. BOREN, Mr. GARAMENDI, Mr. LAMBORN, and Mr. TANNER.
H. Res. 1251: Mr. ORTIZ, Mr. HUNTER, Mr. FORBES, Mr. MARSHALL, Mr. TEAGUE, and Mr. MILLER of Florida.
H. Res. 1322: Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. STARK, and Mr. FILNER.
H. Res. 1343: Mrs. MALONEY.
H. Res. 1347: Ms. GIFFORDS, Ms. WOOLSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. BACHUS, Mr. CUELLAR, Mr. THOMPSON of Pennsylvania, Mr. BRADY of Texas, Mr. HASTINGS of Washington, Mr. BOUCHER, Mr. INSLEE, Mr. GINGREY of Georgia, Ms. WATERS, Mr. GONZALEZ, Ms. BEAN, Mr. BILIRAKIS, and Ms. SPEIER.
H. Res. 1349: Mr. MEEKS of New York.
H. Res. 1366: Mr. MARIO DIAZ-BALART of Florida.
H. Res. 1370: Mr. BACA.
H. Res. 1371: Mrs. BACHMANN.
H. Res. 1374: Mr. BOUSTANY, Mr. ALEXANDER, and Mr. CHAFFETZ.
H. Res. 1385: Mr. SCALISE.
H. Res. 1391: Mr. MCHENRY, Mr. ROE of Tennessee, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. TIBERI, Mr. HIMES, Mr. POLIS, Ms. WASSERMAN SCHULTZ, Ms. HARMAN, Mr. ALEXANDER, and Mr. KING of New York.
H. Res. 1396: Mr. HARE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

139. The SPEAKER presented a petition of City of Pembroke Pines, Florida, relative to Resolution No. 3262 supporting House Resolution 4812; to the Committee on Education and Labor.

140. Also, a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010-25 congratulating the President for passing the Health-Care Reform Legislation; jointly to the Committees on Energy and Commerce, Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, MAY 26, 2010 No. 81

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we are in Your hands and may we rejoice above all things in being so. Do with us what seems good in Your sight. Only let us love You with all our mind, soul, and strength.

Today, show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your Holy Spirit ever be with them, directing all their thoughts, words, and works to Your glory. Lord, prosper the works of their hands, enabling them in due season to reap a bountiful harvest if they faint not. In all that they say and do, may they seek Your glory, striving for faithfulness in even the small matters of their labors.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of H.R. 4899, the emergency supplemental appropriations bill. There will be no morning business this morning. We will go directly to the bill.

Yesterday evening, I filed cloture on the committee-reported substitute amendment in the underlying bill. As a result, there is a 1 p.m. filing deadline for germane first-degree amendments.

Today, I will continue to work with the Republican leader on an agreement to complete action on the bill without cloture. If an agreement cannot be reached, a cloture vote would occur tomorrow morning. Rollcall votes are expected to occur throughout the day in relation to amendments on the supplemental appropriations bill.

We have had a number of conversations. Some amendments may have technical points of order against them. I think we are at a point now where we should arrange some votes on a number of these amendments and move forward on this bill. There are Senators on both sides who have amendments to offer. I will do my best over here to talk down the number of amendments. I know the Republican leader will do the same. We have to have some amendments. I am anxious to move to them. I have directed my floor staff to try to work out arrangements so we can vote on some of those this morning.

We may be in a position where we would have to have a 60-vote threshold on all these amendments. A lot of them may require that anyway. I think that would be the appropriate thing to do.

MEASURES PLACED ON THE CALENDAR

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3410) to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as ''Mississippi Canyon 252'' with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

A bill (S. 3421) to provide a temporary extension for certain programs, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings on these bills at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ISSUES OF CONCERN

Mr. REID. Mr. President, we are waiting today to see the success of the efforts of BP to plug that well that is spilling into the gulf. This morning, it is reported that there is a 70- to 80-percent chance that they can be successful. I certainly hope the odds that favor the stopping the oilspill work.

It is very important that the American people understand, and the world

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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understands, that we have to be ready for the damage this has caused. BP has indicated they will pay for all damages. The people of Louisiana, Mississippi, and other Gulf States are waiting to see when the oil will stop flowing.

We have a number of issues that are concerning to the whole country as to our security. Of course, we have the cybersecurity issue, which, as the Pentagon mentioned, is a very important issue. We are working on that, and committees are doing legislation now to see what can be done to make us more secure in that regard.

The other thing is we will never be a secure nation as long as we are dependent upon foreign oil—or to drop it down a notch, dependent on oil, period. This is an opportunity for the country to move away from fossil fuel and do a better job at looking at the renewable energies that are available to us all over this country, including Sun, wind, geothermal.

I am very supportive of what Secretary Salazar did in approving the wind farm off the coast of Massachusetts. This is an opportunity for us to be independent and not have to depend so much on fossil fuels. It is no longer just the environment; it is also the security of this Nation. So as we wait with bated breath to see what is going to happen today in the gulf, I certainly hope it is successful and that we improve as a result of this terrible degradation of our environment, and improve our ability to use whatever domestic oil supply we have in a safer way.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

EXTENDERS PACKAGE

Mr. McCONNELL. Mr. President, I will say just a word this morning about the still unfinished extenders package that is about to come over from the House.

The first thing to say is that Republicans are ready and willing right now to extend necessary benefits and to pay for them. We could get this done in literally no time. So any delay in passing this bill is coming from the other side of the aisle. I say this not to point fingers but because we have seen this Democratic playbook.

We know they will try to blame Republicans for their own inability to come to an agreement if we don't go along with their effort to add another $130 billion to the deficit by the end of the week. Let me say that again. We know they will try to blame Republicans for their own inability to come to an agreement if we don't go along with their effort to add another $130 billion to the deficit by the end of this week.

So let's be perfectly clear: There is one reason Democrats are having trouble getting an agreement on this bill, and one reason only. That is because it is so blatantly reckless.

Europe is in the midst of what German Chancellor Angela Merkel describes as an existential crisis, all brought about by governments that spend money they don't have. Americans are watching this crisis play out, and they see Democrats doing the same thing here day after day after day. This extenders package is just the latest example, the latest evidence of a majority that simply is out of control.

As early as today, we will reach a dubious milestone in America: a $13 trillion national debt—the first time in history we have crossed this frightening threshold.

This extenders bill would add another $130 billion on top of that—more debt in one vote than the administration claimed their health care bill would save over 10 years. The majority would have us add $130 billion to the $13 trillion debt in 1 week that would eat up all the alleged savings from the health care bill over 10 years. This is fiscal recklessness, and that is why even some Democrats are starting to revolt.

The time is long since past to reverse this dangerous trend, the way Europe has been forced to reverse the trend. But far from doing anything about our own looming debt crisis, Democrats only seem interested in making it worse.

The true emergency here—if we are looking for one—is our national debt. That is the emergency. A line must be drawn somewhere. Americans are simply running out of patience.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

Wyden/Grassley amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Feingold amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan.

McCain amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States.

Cornyn modified amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111–5.

Lautenberg modified amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oilspill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oilspill.

Cardin amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the Outer Continental Shelf.

Kyl/McCain amendment No. 4228 (to amendment No. 4202), to appropriate $200,000,000 for a law enforcement initiative to address illegal crossings of the Southwest border, with an offset.

Coburn/McCain amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress's own budget and disposing of unneeded Federal property and uncommitted Federal funds.

Coburn/McCain amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

Landrieu/Cochran amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 gulf coast hurricanes or the 2008 gulf coast hurricanes.

Landrieu amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oilspill.

Landrieu modified amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon oilspill in the Gulf of Mexico at full Federal expense.

Landrieu amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis.

Landrieu amendment No. 4182, to require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program.

Landrieu amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oilspill in the Gulf of Mexico.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today, as I have done each week for over a month now, to give a doctor's second opinion about the health care bill that has now been signed into law. I do this as somebody who has practiced medicine, taken care of families in Wyoming since 1983. During that time, I was medical director of something called the Wyoming Health Fairs, offering low-cost blood screening for people all around the Cowboy State, giving them an opportunity to take more personal responsibility for their own health, to learn about their health, to help get their blood pressure under control, get their cholesterol down, and get their blood sugar under control, and diagnose cancers early. All of this is aimed at early prevention, meaning better care, better survivability, which is what we need to do in this country—work on patient-centered health care.

Today, I bring to the floor of the Senate my second opinion because I think the bill that was passed into law has failed. It has failed and gotten the diagnosis and the treatment wrong.

The goal of health care reform should be to lower costs, increase quality, and increase access. I continue to believe the new health care law is bad for patients; it is bad for payers, the American taxpayers who are going to be footing the bill, and it is bad for providers, the nurses and doctors of this country who take care of those patients.

Fundamentally, I believe, unlike what the President said, this whole law is now going to increase the cost of care. The American people believe that overwhelmingly, that this is going to increase the cost of their care and it is also going to decrease the quality and availability of the care, to the point that a national poll released just this Monday shows 62 percent of Americans would like to repeal and replace the bill that has now been signed into law.

As the Speaker of the House, NANCY PELOSI, said: First you have to pass the bill to find out what is in it. As more and more Americans are finding out what is in the bill, they are finding there are more and more broken promises.

The President gave a speech, and he said: If you like your health care plan, you will be able to keep your health care plan, period.

He then went on to say: No one will take it away, period.

He said: No matter what, period.

But the Chief Actuary of Medicare and Medicaid says that 14 million Americans will lose their employer-sponsored health coverage under this law. The President is saying one thing, but the Chief Actuary for Medicare and Medicaid is saying something very different. That is why the American people do not feel this bill—now the law—was passed for them. It is for somebody else.

Most Americans have health insurance they like and are happy with, except for the cost. Unfortunately, what this body passed and what the President signed is going to increase the cost and decrease the availability. For people who like what they have, they are not going to be able to keep it.

One might say: Where do you come up with that? There was a lengthy article written called ''Documents reveal AT&T, Verizon, others thought about dropping employer-sponsored benefits.'' Why would that be? Because of a very different regime, it says, a ''radically different regime of subsidies, penalties, and taxes.'' That is so much of what is involved in this health care law—penalties, subsidies, and taxes.

''Many large companies,'' it goes on to say, ''are examining a course that was heretofore unthinkable, dumping the health care coverage they provide to their workers in exchange for just paying penalty fees to the government.''

It goes on:

> In the days after President Obama signed the bill on March 24, a number of companies announced big write downs due to the fiscal changes it ushered in. The legislation eliminated a company's right to deduct the federal retiree drug-benefit subsidy from their [companies].

As a result, AT&T, Verizon, and others ''took well-publicized charges of around $1 billion.'' This annoyed HENRY WAXMAN, Democrat from California, ''who accused the companies of using the big numbers to exaggerate''—that is what he said, ''exaggerate''—''health care reform's burden on employers.'' So he summoned top executives to hearings and he requested documents.

The bottom line is, taking a look at 1,100 pages of documents from four major employers—AT&T, Verizon, Caterpillar, and John Deere—''No sooner did the Democrats on the Energy Committee read'' the documents ''than they abruptly cancelled the hearings.'' Why? Because they found out that what the companies had said was true, and it was proper in accordance with the rules and the laws within which they have to operate.

All four of these companies are taking a look at the costs and the benefits of dropping health care coverage of people who like the coverage they have. What are the alternatives if you do not want to provide health care? You pay a fine. You pay a fee.

AT&T, a major company, employs up to 300,000 people with health care coverage they like, and they are in a situation where the company is saying: If we drop their coverage and pay the fine, we as a company can save $1.8 billion.

Is that what this Congress intended? Is that what this Congress imagined? Is that what the people of this country deserve? No.

What this shows is a bill that was crammed through and down the throats of the American people by an administration desperate to have something passed into law, something that many people never even read before they voted in favor of it. And the people who read the bill carefully could see what was coming down the line, came to the floor, and pointed out these things to the American people. The American people heard, but the Members of Congress did not.

There is a new study out that was reported today in the Associated Press. It talks about what other businesses are doing. It was a poll of 650 leading corporations talking about, what do you think this is going to mean for your business? What is this going to mean for the employees? What is this going to mean in terms of health care for those folks and the cost of doing business?

Here it is. What do the employers want? They want to have three goals, and they are the goals all Americans would have. They want to bring down the cost of care, whether you are an employer or an employee. No matter who you are, they want to bring down the cost of care. Contain costs—absolutely, at a minimum. They want to contain costs. Good. They want to encourage healthier lifestyles. Good. This bill hardly does that at all. There are very few, if any, individual incentives. And they want to improve quality of life.

A mere 14 percent of all responding—650 companies—think health care reform will help contain health care costs. An overwhelming majority—90 percent—of employers believe health care reform will increase their organization's health care costs. Why should they be any different from what the government Actuary says? The government Actuary, who took a look at the bill, also said the cost curve is going to go up. The cost is going to go up. The amount Congress promised the American people this would cover in terms of the costs—Congress said: Oh, we are going to save money. No, that is not what the people who actually added up the figures said. They said this is going to cost money.

Yesterday, when the President visited with the Republican Members of the Senate, I specifically asked him about this point. He still takes the tact that ultimately the cost curve will go down. The American people, and certainly someone who has practiced medicine now since 1983, and the Actuary, who takes a look at these issues, who actually does the addition and puts a line and puts the total numbers at the bottom, all say: Sorry, Mr. President, that is not true. The cost is going to go up. Insurance costs are going to go up. Quality of care and availability of care will go down.

I come to the floor as a physician offering my second opinion just to tell my colleagues and to tell the American people what I have been hearing from talking with people all around the country. A majority of Americans are pleased with the health care coverage they get from their employers. But now, because of the President's new

law, companies are considering canceling employees' coverage because it would be cheaper for them to pay the government's penalty than to provide health care coverage for their employees. This is not the change Americans want. This is not the change Americans can believe in. This is the change that makes Americans lose sleep at night. In this economy, with 9.9 percent unemployment, the last thing Americans need is a new law that makes it easier for companies to pay a penalty instead of providing health coverage for their employees.

This is not the companies' fault. It is the administration's fault. It is misguided incentives, and that is why the American people are sick of Washington. What we have seen now with regard to the incentives, if you are a big company, is to drop insurance and pay the fine. If you are a small company and you want the tax relief and a tax credit that has been offered, the incentive is to actually fire workers and pay those workers who are still working with you less. That is the way to get a better tax credit.

If you are an individual with a preexisting condition and you have been living by the rules, paying those higher insurance rates through some of the State-authorized funds that have been set up, programs that have been set up to help people with preexisting conditions, to help people who need extra help, so they get their health care covered and even pay more, if you are one of those individuals, the incentive is to drop that coverage, stop paying, and basically go uninsured for 6 months. And if you take that risk of being without insurance for 6 months, only then do you qualify for what is included in this new health care law.

We need a health care law that actually lowers the cost of health care and allows Americans to keep the coverage they have. That is why I come to the floor every week to tell the American people it is time to repeal this legislation and replace it with legislation that delivers more personal responsibility and more opportunities for individual patients; that is, patient-centered care that allows Americans to buy insurance across State lines; that gives people their own health insurance and the same opportunities and the same tax relief for people who get insurance through their jobs; that provides individual incentives for people to stay healthy, exercise more, eat a little less, get their blood sugar under control and blood pressure under control and deal with health care needs as they come along; that deals with lawsuit abuse and the incredible expense of all the defensive medicine practiced in this country; and that allows small businesses to join together to provide less expensive insurance to their employees. Those are the things we need. Those are the things we need to allow us as a nation to deliver high-quality care, available care, at a more affordable cost.

This health care bill that has been crammed through the Senate with a lot of gimmicks and things such as the ''Cornhusker kickback'' and the ''Louisiana purchase'' and ''Gator aid''—those are the things that make the American people look at this city and say: We have had enough. That is why today I come to the Senate floor and offer, again, my second opinion that it is time to repeal and to replace this health care law with something that will actually work in the best interest of the American people.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR IG REPORTS

Mr. NELSON of Florida. Mr. President, yesterday, the inspector general for the Department of the Interior came out with their report—this investigative report—which followed another inspector general report of just a month ago. These two inspectors general reports talk about what is wrong in the Minerals Management Service. The most recent report is quite disturbing, and it comes on the heels of the one a month ago where they found a culture where the acceptance of gifts from oil and gas companies was widespread throughout the Office of the Lake Charles District Minerals Management Service in Louisiana.

That information, of course, came on the heels of what we discovered years ago in reports about the incestuous, cozy relationship between the oil industry and the regulators who are supposed to see that the oil industry is doing its job, and doing it safely, and collecting all of the revenues from the royalties that the oil industry is supposed to pay, having drilled on Federal lands, which is the sea bottom of the Gulf of Mexico.

This latest investigative report points out:

> Of greatest concern is the environment in which these inspectors operate—particularly the ease with which they move between the industry and the government.

That is called the revolving door. That is somebody in the industry who comes into the government as a regulator, and then the revolving door turns, and they go back into the industry. How in the world can we have a regulator who is coming from the industry into regulation of that industry, and then turn in the revolving door and go right back into that industry? That is the problem, and that is what we have to fix.

My office is talking with Senator MENENDEZ's office, and it is my intention that we will file a bill today that will do a number of things. It will stop this revolving door by requiring the same thing we require for ourselves in the Senate—that when we leave the Senate, we can't go to an entity that lobbied us as a business and that would then lobby the Senate for a period of 2 years. That is the minimum we should expect.

This legislation will also insist on things that are common sense: that the regulators can't accept gifts from the industry they are regulating, and they have to have a financial disclosure that would show what the regulator owns, if they are in any way compromised with the very industry they are trying to regulate. If they have any outside interest—for example, stock in oil companies they are regulating—they would have to divest from that; and, furthermore, in the egregious case that they would be partially employed by the outside industry they are regulating, clearly that could be prohibited.

These are just commonsense things. Why isn't this in the law? Senator MENENDEZ and I offered this law 2 years ago when all of these revelations came out in that inspector general report back then. But, of course, there was enormous push-back on the legislation. Sadly, it has come to this great tragedy of thousands and thousands of barrels of oil gushing into the Gulf of Mexico to bring us to the point where we ought to have a willing recipient in this Senate to this legislation we are filing that will stop this cozy, incestuous relationship between the oil industry and the regulators.

I know Secretary Salazar is trying to clean it up, and he is doing what he should do. But what we want to do is to etch it into the statutes so there is no question about what is the requirement—not just for today but forever.

Mr. 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. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I would like to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

KAGAN NOMINATION

Mr. KAUFMAN. Mr. President, I rise to speak about the nomination of Elena Kagan to be Associate Justice of the Supreme Court of the United States.

Ms. Kagan is, without a doubt, an exceptionally well-qualified nominee. In every job she has held, including associate White House counsel, dean of the Harvard Law School, and Solicitor General, she has distinguished herself through her work ethic, intelligence, and integrity.

I was part of 10 confirmation hearings during my time with then-Senator BIDEN, and during that time, I witnessed Ms. Kagan's talents firsthand, when she served as special nominations counsel to the Judiciary Committee during the nomination of Justice Ginsburg in 1993.

She is also a woman of many ''firsts''—the first woman to serve as dean of Harvard Law School as well as the first to serve as Solicitor General. She now stands to be the fourth in history to serve on the Supreme Court. When she is confirmed, for the first time in history three women would take their seats on the Nation's highest Court.

I have consistently called on President Obama to nominate candidates to the bench who expand, and not contract, the breadth of experiences represented on the Supreme Court.

Every one of the current Justices came to the Court from the Federal appellate bench. While this experience can be valuable, I believe the Court should reflect a broader range of perspectives and experience.

Ms. Kagan brings valuable nonjudicial experience and a freshness of perspective that is currently lacking.

Prior judicial experience has never been, nor should it be, a pre-requisite to be a Supreme Court Justice. In the history of the Supreme Court, more than one-third of the Justices have had no prior judicial experience before nomination.

History further shows that a nominee's lack of judicial experience is no barrier to success as a Supreme Court Justice.

When Woodrow Wilson nominated Louis Brandeis in 1916, many objected on the ground that he had never served on the bench.

Over his 23-year career, however, Justice Brandeis proved to be one of the Court's greatest members. His opinions exemplify judicial restraint and his approach still resonates in our judicial thinking more than 70 years after his retirement.

This list of highly regarded Justices without prior judicial experience is not insignificant.

Felix Frankfurter, William Douglas, Robert Jackson, Byron White, Lewis Powell, Hugo Black, Harlan Fiske Stone, Earl Warren and William Rehnquist—they all became Justices without having previously been judges, yet we consider them to have had distinguished careers on the Supreme Court.

In fact, Justice Frankfurter wrote in 1957 about the irrelevance of prior judicial experience. He said:

> One is entitled to say without qualification that the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero.

That is a point that some of my Republican colleagues have recognized when addressing the qualifications of other nominees.

Ms. Kagan's lack of prior judicial experience should not be a determining factor in assessing her qualifications to be a Justice.

Indeed, if significant prior experience as a judge were a prerequisite, where would that leave Justices like John Roberts and Clarence Thomas? Thomas had served on the DC Circuit for less than 16 months before his nomination, and Roberts for just over 2 years.

I have an insightful article on this subject by Joel Goldstein, published in the Kansas City Star. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From KansasCity.com, May 11, 2010]

HISTORY SAYS LACK OF TIME ON BENCH IS NO PROBLEM

(By Joel K. Goldstein)

Critics are already attacking President Obama's nomination of Elena Kagan for the Supreme Court on the grounds that she has never been a judge. But if lack of judicial experience disqualifies someone from a spot on the court, many distinguished justices never would have served.

Take Louis Brandeis, the person many consider to have been the outstanding justice of the 20th century. Brandeis had never served on the bench when Woodrow Wilson nominated him in January 1916.

Critics complained that he lacked judicial temperament. They could not have been more wrong. During 23 years on the court, Brandeis proved himself a model judge. His opinions guide judicial thinking more than 70 years after his retirement. He became a leading apostle of judicial restraint but used his opinions to teach relevant constitutional principles in a way that surpassed every justice other than John Marshall.

Many other examples reveal judicial experience to be a false requirement. John Marshall's career had been political, not judicial. Yet, most regard him as the greatest justice to serve on the court. He was learned in the law, yet his political skills proved critical in allowing the court to develop as an equal institution of government during a precarious period.

The same was true of Charles Evans Hughes when named an associate justice in 1910. He had been a lawyer and governor of New York. Most regard him as one of the greatest chief justices, a position he assumed when he returned to the court in 1930, after resigning to run for president in 1916.

Earl Warren lacked judicial experience, but his political skills helped produce the court's unanimous decision in Brown v. Board of Education, one of the most important decisions in our history.

Harlan Fiske Stone had served as a law school dean and attorney general, a resume in some respects similar to Kagan's but never as a judge. Felix Frankfurter, William Douglas, Robert Jackson, Byron ''Whizzer'' White, Lewis Powell and William Rehnquist were thought by many to have been distinguished justices, although each lacked prior judicial experience. Hugo Black had spent about a year on the police court when Franklin Roosevelt nominated him from the U.S. Senate.

Even recent experience cautions against overstating the relevance of judicial service. Two conservative judicial heroes, Clarence Thomas and John Roberts, had served very brief stints on the appellate court, roughly two years or less before the two Bush presidents nominated them.

There have been distinguished justices who came from the bench, such as Benjamin Cardozo, John Marshall Harlan II and William Brennan. On the other hand, some unsuccessful justices also had judicial experience. John Hessin Clarke, Fred Vinson and Charles Evans Whittaker are among those whose service on the court was not happy despite their experience as judges.

Kagan has had a distinguished career as an academic, as a high-level staffer in the Clinton White House, as a successful dean of Harvard Law School and as U.S. solicitor general. It is impossible to know whether she will be a distinguished justice, but her success in her other professional work certainly counts in her favor.

History suggests that her lack of judicial experience is simply irrelevant.

Mr. KAUFMAN. Another attack on Elena Kagan, equally unjustifiable, focuses on military recruiting while she was dean at Harvard Law School.

Most of the charges about the Harvard Law recruiting ban are distortions. The university policy reflected a policy preference for nondiscrimination against gays, but Dean Kagan never denied military recruiters physical space at the law school or access to the student body.

Just as important, military veterans at Harvard have high praise for Kagan's role as dean.

In February 2009, several Iraq War veterans who graduated from Harvard Law School when she was dean wrote a letter to the Washington Times describing their ''appreciation for Miss Kagan's embrace of veterans on campus. During her time as dean, she has created an environment that is highly supportive of students who have served in the military.''

I was pleased to see this view echoed by our colleague from Massachusetts after his meeting with Solicitor General Kagan last week.

He said:

> It was very clear to me after we spoke about it at length that she is supportive of the men and women who are fighting to protect us and very supportive of the military as a whole. I do not feel that her judicial philosophy will be hurting men and women who are serving.

The best answer to these charges comes from the nominee herself.

In 2007 while serving as dean of Harvard Law, she addressed cadets at West Point. She said:

> I am in awe of your courage and your dedication, especially in these times of great uncertainty and danger. I know how much my security and freedom and indeed everything else I value depend on all of you.

Addressing the controversy regarding the military recruiters she said:

> I have been grieved in recent years to find your world and mine, the U.S. military and U.S. law schools, at odds, indeed, facing each other in court—on one issue. That issue is the military's ''don't ask, don't tell'' policy. Law schools, including mine, believe that employment opportunities should extend to all their students, regardless of their race or sex or sexual orientation. And I personally believe that the exclusion of gays and lesbians from the military is both unjust and unwise. I wish devoutly that these Americans could join this noblest of all professions and serve their country in this most important of all ways. But I would regret very much if anyone thought that the disagreement between American law schools and the

U.S. military extended beyond this single issue. It does not. And I would regret still more if that disagreement created any broader chasm between law schools and the military. It must not. It must not because of what we, like all Americans, owe to you.

In consulting with leadership, as well as with me and my colleagues on the Judiciary Committee, President Obama honored the Senate's advisory role in the selection process.

As the Senate process moves from advice to consent, I look forward to a confirmation process that is orderly and filled with an honest exchange of views, not partisan bickering.

The vote for a Justice of the U.S. Supreme Court is one of the most important votes a Senator can cast. That is because a Justice serves for a lifetime appointment and will continue to have an impact long after the vote is made.

Since her nomination, Solicitor General Kagan has already met with dozens of Senators and has many more meetings scheduled.

My meeting with her strengthened my belief that President Obama has selected a nominee with both impeccable credentials and a superior intellect. Her ability to bridge disagreement and find common ground among disparate voices, as well as her experience in all three branches of government, would be a tremendous asset on the current Court.

I yield the floor and note 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. DORGAN. 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.

Mr. DORGAN. Mr. President, we are on the supplemental appropriations bill. I understand. I have been chairing a hearing, and I understand I have not missed very much. It appears to me yesterday and today this supplemental appropriations bill on the floor of the Senate has been moving very slowly. In fact, while amendments have been filed and some discussed, we have had no votes. I know the majority leader would very much like to move forward to get this done. In fact, it is the case that if the supplemental bill is not done, my understanding is there will be soldiers who will not receive paychecks in June. So there is an urgency for us to replenish the funding that is necessary in the defense portion of this bill especially.

There are other pieces of it that are equally important. For example, the money for the Federal Emergency Management Agency is provided as a result of disasters that are occurring that require some supplemental funding, and other issues are addressed as well.

But what I want to mention on the floor of the Senate is a request that has been made about DOE loan guarantees. I got a call from the Secretary of Energy, Secretary Chu, requesting $90 million in this legislation or support in some legislative form to allow them to provide loan guarantees for three nuclear plants that are to be built. They want to begin a process to move down the road on some nuclear energy. I will support these loan guarantees. I think we should do a lot of things and do them well in the energy field, and nuclear energy will be one of those areas.

But in order to do the loan guarantees for three nuclear energy facilities that would be built, they need another $90 million in authority. My understanding is that request has been made. However, I have a letter from Peter Orszag, the head of the Office of Management and Budget, that he sent to the Speaker, and he did request, on behalf of the administration, the $90 million for the Energy Department to be able to provide those loan guarantees. Again, I indicated I would support that request.

They also have requested an additional $90 million on the renewable energy loan guarantees. Again, there was $2 billion that was removed from renewable energy and has not been restored. So there needs to be some restoration of that, and I would support these as well. But as I indicated, when discussing this with the Energy Secretary and others, there needs to be either an emergency request by the administration or a pay-for. The letter from Mr. Orszag, the head of the OMB, indicates they would request the $90 million for the loan guarantee for a nuclear facility, a third nuclear facility, and $90 million for renewable energy, and they say a separate request will be transmitted in the future to Congress to reduce the fiscal year 2011 budget by the amounts in the supplemental request. Well, that doesn't quite work. I think they understand that concern of mine. You can't offset spending you are going to do now with the reduction in a spending request for some future budget. That is not an appropriate offset.

I simply wanted to say that my understanding is the House of Representatives will likely include this request that Secretary Chu says is very important, and I would agree with him that he should be able to have that loan authority to proceed. The House of Representatives will likely include that request, or have included it, including the appropriate offset in this fiscal year so that it does not increase the budget deficit.

I have received some calls in the last day or so wondering why I am holding it up here. I am not holding it up here, but it cannot be considered here unless: A, the President has requested it as an emergency, and he has not done that; or B, there is an offset, and the offset being proposed in the letter from the head of the OMB is not an offset, as I said. A promise to submit a budget request that would reduce a future budget is not an offset for something that is done here.

In any event, I hope this gets done. I support the Secretary's request. I believe it would be good for us to be able to proceed to have that loan guarantee for the third nuclear energy facility the Secretary wishes to do. If it can't get done here in the Senate with an offset, then at least it will come to conference between the Senate and the House. I hope very much that the House, with the provision of the offset, will make this possible for the Secretary. I wanted to explain that to the Senate. It is a little bit convoluted, but I wanted to explain it because somebody here thought I was blocking this loan guarantee request, and that is not the case. It is not the case that there is opposition to it, in fact. It is just the case that it needs to meet the rules in terms of an offset for the supplemental appropriations bill.

Mr. President, let me ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, I wish to speak for a moment about energy more generally. I spoke in Dallas, TX, on Monday of this week at the National Wind Energy Conference. I think they said they had 20,000 people there. Wind energy, of course, is a very important part of our country's energy future. We need to take steps to gather energy from the wind and the Sun, where the Sun shines and the wind blows. We need to use these resources for energy, and then put them on a wire and move them to the load centers that need that energy. Such actions will provide more energy here at home, and it makes us less dependent on foreign oil. These are all of the things that I commend. I was thinking today that there has been a lot of discussion in recent weeks on what may or may not happen on the floor of the Senate with respect to energy and/or climate change, and I wish to comment on that a bit.

First, I believe something is happening to our climate. I believe we ought to reduce the carbon emissions that are going into the atmosphere, so I am in support of capping carbon. I have indicated, however, I don't support what is called cap and trade, which would effectively be a process by which we provide probably a $1 trillion carbon trading securities market for Wall Street. I have no interest in being a part of that and would not support speculation of carbon markets. However, I think there is something happening to our climate, and we would be wise at the very minimum to do a series of no-regrets things that move us down the road to limit carbon and develop opportunities to reduce carbon emissions and protect our climate.

We have been considering whether we get that done now in some sort of climate bill or focus only on an energy

bill. My colleagues Senator KERRY and Senator LIEBERMAN and others have worked hard on a comprehensive climate bill. The question of what we focus on now is an important issue. The climate change bill they are working on is something that is very substantial, and I commend them for their work. I think they have put an enormous amount of time into that legislation. However, that legislation has not gone through a committee process. They need to find a way to do that at some point. If there are not 60 votes in the Senate, then it will be difficult to move forward on their bill. That is what would be required to bring a climate change bill to the floor of the Senate. If there are not 60 votes, then the very least we should do is work on the energy bill. This is the piece of legislation that has already passed the Senate Energy Committee in June 2009. That was a long time ago, and it passed on a bipartisan basis. We should bring it to the floor of the Senate and move it so that we actually provide substantial improvement to our energy policy in a way that addresses our national security and reduces carbon emissions. It is one thing to talk about it; it is another thing to put a plan together. It is another thing—and more important, in my judgment—to actually reduce carbon emissions.

What have we done on the Energy Committee under the leadership of Senator BINGAMAN? I played a role, and many others, Republicans and Democrats, worked with him in writing that energy bill. What have we done? We have written a bill that does several things. No. 1, it is bipartisan, and No. 2, it would create a new federal national electricity standard. It is a national goal that says here is where we are headed and would put in place a pathway to maximize the production of electricity from wind, solar and other renewable energy sources. That is exactly the sort of thing we should do.

So while we do that, we also include provisions for building retrofits and building efficiency provisions which are very important. We would provide the process by which you help construct the interstate highway of transmission capability. By doing that, you can find places in the country where you can collect energy from the Sun or the wind and put it on a wire and move it to the load centers.

My State of North Dakota is one of the windiest States in America. Department of Energy has called North Dakota the Saudi Arabia of wind. Our kids are born leaning to the northwest against that prevailing wind. But we don't need more wind energy for ourselves. We can put up towers and turbines. We produce far more energy than we need in North Dakota. What we need is a modern day interstate highway transmission capability that can produce energy from the wind in North Dakota and solar from the rural areas of Arizona and so on, and put it on the wire and move it to the load centers where they need the electricity. That is the way you maximize the use of renewable energy for the benefit of the country.

It is not hard to get energy from the wind. We have sophisticated, new, better technology in wind turbines. We put up a tower, especially in areas where you find these wind chutes, and you produce electricity virtually forever. Those blades turn around and you make electricity. It makes a lot of sense for us to maximize that.

I am in favor of using fossil energy as well. I am not suggesting we use wind and solar energy in exchange for shutting down oil and gas and coal. We are going to continue to use fossil energy, but use it in a different way. We are going to move towards decarbonizing the use of coal, that requires targets and timetables and the ability and research to make that happen. I am convinced we will be able to move in that direction.

Every day I have people coming to my office with the new ideas and solutions that is going to make this happen. I have had a guy visit and tell me about a new microbe that he discovered. It was a lollipop-shaped microbe, that was 30 percent more efficient at breaking down cellulose than anything known to mankind. Therefore, this new microbe will be able to break down cellulose and turn it into cellulosic ethanol, reducing the cost from $3 to $2 a gallon. Big deal? Maybe so. I don't know. He has to develop that, and then we will see whether the market beats a path to his door.

There are dozens of examples like that. Last night I saw Craig Venter on television. I think Craig Venter is extraordinary. He and Francis Collins led the human genome project. They created the first owners manual for the human body, and it is changing everything in medicine. He has now turned his attention to energy. Now Craig Venter is trying to develop synthetic microbes that could be used to chew away at coalbeds, in layman's term. The microbe will eat its way through the coalbed and turn coal into methane fuel. Is that the solution? Maybe so. Maybe that is the way to use coal in the future; I don't know.

There is a guy in California who testified at a committee I chaired who has patented a process that takes the entire fuel gas from a coal plant and, through his patented process, mineralizes it and turns it into something that is harder and more valuable than concrete that contains all of the emitted CO_2. This man says the process creates a value-added product that brings the price of carbon down to near zero. Maybe. I don't know.

Another guy delivered a presentation to me and insists he has a 100-mile-per-gallon diesel engine. Does he? I don't know; maybe. If he does, I hope the world beats a path to his door. The list of innovators goes on and on.

A woman with a Ph.D. from Sandia National Laboratory, testified at a hearing I chaired. She said they are working on a heat engine in which you put CO_2 in one side and water in the other. The molecules are then fractured and chemically recombine to produce a fuel. Produce a fuel out of essentially air, CO_2, and water.

We also have begun doing a lot of work on the issue of algae, I am now talking about how you would perhaps use coal in the future. Coal emits CO_2. You capture the CO_2 and use it to grow algae, which is a single-cell pond scum, or, the green stuff you see in standing water. CO_2, water, and sunlight produce this single-cell pond scum. After growing the algae, you harvest it and produce diesel fuel. Wouldn't it be interesting if you could get rid of the CO_2 by producing a new fuel. These are all just a couple of examples of the things I think could be breathtaking in terms of what kind of energy we use and how we use it in the future.

Oil and natural gas. In my State of North Dakota we have more oil rigs drilling than anyplace in the country. We have discovered how to find oil 2 miles below the Earth in a shale formation called the Bakken shale that is 100 feet thick, I asked the U.S. Geological Survey to do an assessment of what is there. 2½ years ago they came back with an assessment that said there is up to 4.3 billion barrels of oil recoverable using today's technology. The Bakken shale formation is 2 miles down. They drill down with one rig, 10,000 feet down, searching for the middle third of a 100-foot seam. They find the seam then, drill out 2 miles. So, they drill down 2 miles, then out 2 miles to search for a 30-foot seam. Then they use hydraulic fracturing so the oil drips. They then pump the oil, and that oil will pump from that well for 30 or 40 years. By the way, there are right now about 117 drilling rigs, drilling wells in North Dakota. They drill a new well every 30 days and they strike oil virtually every time, because with core samples they know exactly where this huge shale formation is. This is the largest assessment of oil the U.S. Geological Survey has ever assessed in the history of the lower 48 States; and in the western part of North Dakota it is unbelievable the amount of drilling that is occurring.

So, oil, natural gas and coal, all fossil energy, and we are going to continue to need them and use them. We want to be less dependent on foreign oil so that means producing more here.

The terrible disaster that has occurred in the Gulf of Mexico means we are not going to lease new properties in the Gulf until we understand the consequences of deep well drilling, but we have drilled tens of thousands of productive wells. One-third of the domestic oil production comes from the Gulf, so that is not going to be shut down at the moment. The question is: What happens in deep well drilling, what has happened that has caused this disaster? As Secretary Salazar and others indicated, they are not going to proceed

with new drilling permits or under new circumstances until we understand what happened with the BP well, because this is an unmitigated disaster. There is no question about that.

All of these things are important and a part of our energy future. The bill we drafted in the Energy Committee last June, that passed on a bipartisan vote, is a bill that does a lot of everything and does it well. The bill includes a renewable electricity standard, and builds and creates the opportunities to build new transmission lines.

I didn't mention previously, but in the last decade we have built 11,000 miles of natural gas pipeline and at the same time we have built only 660 miles of high-voltage interstate transmission lines. Why? Because it is very hard to build a transmission interstate. There are three things needed to build a transmission interstate: planning, pricing, and siting. You have to get them all right. What we have done in this energy bill is to create the menu by which we are finally going to get an interstate transmission capability built. We give FERC backstop authority, and we are careful on the planning and pricing side to try to get all of this right. I think in addition to the things I have described, the renewable electricity standard, the opportunity for an interstate highway of transmission capability that modernizes our grid, provides greater reliability, and maximizes the production of renewable energy, and building retrofits and building efficiency, there is a whole series of other things. I have so much to support.

This piece of energy legislation will actually reduce carbon. I think it would be unthinkable to end this year without taking up a bipartisan piece of legislation that actually reduces carbon and actually reaches the goal of those who are wishing to have a climate change bill come to the floor this session.

Again, let me end by saying that I think what Senator KERRY and others are working on is very important for our country. We have disagreements here and there, but the disagreement is not about whether there is something happening to our climate; I think there is. There is no disagreement about whether we ought to restrain carbon; we should. There is no disagreement about those central tenets. So I commend the work they have done.

I think it is going to be very hard, frankly, to bring a very large piece of legislation to the floor soon that has not been through a committee process. Plaudits to the people who are working hard on this. It is also the case that even if they got their climate bill through, you would have to have another bill, like the bill the Energy Committee has already developed, to actually reduce carbon. On the one side, you set up targets, timetables, and goals; and on the other side, you set up policies that result in the reduction of carbon.

My hope is the Energy bill that Senator BINGAMAN and I and others have worked on will be on the floor of the Senate at some point this summer. I think the Energy bill will do a couple things that are very important. No. 1, substantially reduce our dependence on foreign oil. Do you worry about our economy? I do as well, but it is not just the large banking institutions that steered this country into the ditch. I worry about how vulnerable we are to foreign governments and countries for our oil. We get up in the morning and flick a switch, turn off the alarm and turn on the light, make some hot coffee and take a hot shower, get in a car and turn a key. We use energy in so many ways without ever thinking about it. Oil is so central. Yet, over 60 percent of our oil comes from outside of our country, from some very troubling parts of the world. We need to be less dependent on foreign oil.

This legislation we have written makes us less dependent on foreign oil. But as important as that is, this legislation begins to address the issue of climate change in a very real and very significant way. By maximizing the development of renewable energy for this country's future, and doing the things that are necessary to reduce the emission of carbon.

As I said when I started, when I spoke in Dallas, TX, on Monday, at the National Wind Energy Conference, you could see and feel and hear the excitement of the people who understand that there is now a new opportunity to contribute to this country's energy supply, with renewable, clean, green energy.

We have given very interesting incentives in this country to try new things. Early in the past century, in the nineteen-teens, our country said: If you go look for oil and gas, try to find some, produce some, explore for some, we are going to give you long-term, good, and permanent tax incentives.

That is what we did. Why? Because we wanted people to find oil and gas. Those tax incentives still exist. What we did for renewable was very different. In 1992, we said: Here are some tax incentives for renewable energy if you are willing to develop some. But the tax incentives were shallow and temporary. They were extended six times and allowed to expire three times. It was stutter, stop, start, and nobody knew what to think. Invest now, don't invest next. It didn't make sense.

I think what we ought to do is plan a menu for our energy future and say here is where America is headed for the next decade. Believe in it and invest in it. That is where we are going. We have done that with other forms of energy, oil and gas, but not with renewable energy, and we should. The ability to gather energy from the Sun that shines on this planet and from the wind. The ability to gather energy from wind is a source of energy that will last forever and will make a significant contribution, in my judgment, to our planet's health.

Again, my hope is that in the coming weeks, as some colleagues work on a very broad piece of climate change legislation—and I think it is good that they are doing that and I commend them—if it is clear that the climate change legislation doesn't have the 60 votes, it is very important that we bring to the floor the product that came from the Energy Committee. That will advance this country's energy interests, with less dependence on foreign oil and clean, green energy for maximizing renewable energy sources.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. DORGAN. Mr. President, yesterday, one of my colleagues, Senator KAUFMAN, from Delaware, came to the floor and expressed some concern about the issues that will now be followed with respect to financial reform. I wanted to simply say I share many of the concerns he expressed.

There are some who are worried about financial reform going too far. I am worried that financial reform still doesn't go far enough. As we go into a conference, I note the conferees who have been appointed, and I note some of the conversations in the media about those who will be in the conference. I am worried. I think in order to address the issues that need to be addressed—and as my colleagues know, I have spoken about this many times, I think too big to fail has to be addressed. I don't think it is yet addressed adequately.

I think that if we, in the future, have financial firms that are so large they cause a moral hazard, or unacceptable risks, and whose failure could bring down the entire economy, those firms that are in that situation of too big to fail have to be pared back to a point where they would no longer bring down the economy should they fail. I don't think that has been yet adequately addressed.

I also think we have not addressed the issue of the toxic assets that have been traded and essentially wagered in our economy to the tune of trillions of dollars. Some of that wagering, by the way, has turned some bank lobbies into not noticeable but certainly express casinos because of the trading of what are called naked credit default swaps, which are instruments of gaming that have no insurable interest on either

side. The growth of these kinds of things and the gaming that is still going on is far afield from the investing and lending that used to be the central functions of our major financial institutions. Sources of capital for the purpose of buying trillions of dollars of naked credit default swaps is not a way to address the ills of our country.

I attempted here to get an amendment offered that would simply ban the use of naked credit default swaps. I note that some other countries have now done that. I was not able to get a vote on it. We had a vote on a tabling motion to a second-degree amendment I offered. My hope is that will still remain an opportunity to be corrected in a conference.

The issue of proprietary trading is still, I think, a significant issue. I have described banks trading derivatives on their own accounts. I wrote an article about this in 1994, which was the cover story of the Washington Monthly magazine. My story article was titled ''Very Risky Business.'' I was describing then the risk of having proprietary trading by banks on their own accounts of very risky derivatives. That was 16 years ago. On the other hand, the legislation that has just passed this Congress doesn't shut down these issues. They have grown. They have not diminished.

I think if we want to give the American people some comfort that somehow, in the end, financial reform will have addressed the issues that caused the near crash of this economy—the deepest recession since the Great Depression—more still needs to be done.

I commend my colleagues who worked on this. But we do still have some disagreements and some concerns that this doesn't go far enough. As I said—and I noticed this in the papers this morning—some think there is a danger of this going too far. It does not, in my judgment. Much of it has been watered down in a way that doesn't provide the adequate protection that is needed going into the future.

I note that today, Secretary Geithner is going to stop in Europe. He is making two stops in Europe, because he is concerned about the different approaches that are being taken by European countries, and some of the suggestions are that, well, the Europeans aren't doing as much here and there and, therefore, American financial institutions will move their business offshore. Look, I think most of us want to have a financial system that relates to the ways of doing finance that represent the safety and soundness of the financial industry. That was not the case in most recent years. We securitized almost everything—almost anything that could be. We got rating agencies who acted as though they were inebriated, to give AAA ratings to securities that turned out to be almost nothing. Then they sold the risks up so that those who originally placed loans, for example, didn't have to underwrite the loans, because they weren't going to get stuck with the bill. They would sell them to hedge funds and investment banks, and everybody was making a massive amount of money—big bonuses.

When the collapse came, Wall Street, according to New York authorities, had $35 billion in losses in 1 year and paid $17 billion in bonuses. That describes how everybody was awash in money. Everybody was making a lot of cash and big bonuses. What was happening is that all of this greed—this cesspool of greed—was steering this country into the ditch, and the American people suffered mightily as a result of it. Millions of people lost their jobs, millions more lost their homes, millions have lost hope, and there are millions of kids coming out of our colleges last year, the year before, and this year, who still cannot find work. That is the carnage and wreckage that occurred. The question in financial reform is: Will we tighten the laces and get it right, and do what is right on too big to fail, proprietary trading, and other issues? I wanted to say, when I read Senator KAUFMAN's statement, that he and I had many of the same concerns, as others do.

I hope when the conference is held on financial reform, this bill gets tightened, not loosened, and that we make sure we do enough. Don't be too worried about going too far. We are a long way away from that finish line.

I commend my colleague, Senator KAUFMAN, and others who have expressed concerns. I wanted to add my concern as well. The American people deserve to know the Congress is going to get this right. We have now had plenty of understanding and experience about what happened, and we should have the knowledge and the ability to decide we are not going to let it happen again, ever.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4229

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4229.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4229.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the transfer of C–130 aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C–130 aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State.

AMENDMENT NO. 4230

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4230.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4230.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish limitations on the transfer of C–130H aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C–130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C–130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submits to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C–130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C–130H aircraft has transferred a C–130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C–130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the

National Guard of such State in responding to a disaster or other emergency.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4221

Mr. ISAKSON. Mr. President, I ask unanimous consent the pending business be set aside so I can call up Isakson amendment No. 4221.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON], for himself and Mr. CHAMBLISS, proposes an amendment numbered 4221.

The amendment is as follows:

(Purpose: To include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available)

On page 35, line 7, insert ''FEMA–1858–DR,'' before ''FEMA–1894–DR,''.

Mr. ISAKSON. This is a technical language amendment that references the FEMA money that is proposed in this legislation to ensure that Georgia is included in consideration of the dispersing of that funding based on the flood experience in 2009. That is all it does. It is a language amendment.

I ask it be considered, and I yield my time.

I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

AMENDMENTS NOS. 4232 AND 4231

Mr. INOUYE. Madam President, the Senator from Oklahoma has proposed two amendments, both of which are designed to offset the cost of the supplemental bill before us. He argues that the Nation needs to find ways to use existing funds to meet these needs. He even argues that some of the items were not unforeseen and, therefore, do not qualify as emergencies.

I would respond, do not tell the people of Rhode Island and Tennessee that the floods in their States are not emergencies. I would say any of us watching television are aware of the emergency which is occurring now on the gulf coast. I would even say those in Oklahoma whose forests and towns have been damaged by tornadoes are aware of what an emergency is.

The Senator suggested we should not declare the cost of war as an emergency since we have known about the costs of war since September 11, 2001. I would remind the Senator and my colleagues that the current administration did its best to foresee the costs of war and included funding for those costs as part of its budget request, and the Congress acted to meet these needs.

But circumstances change. The deteriorating conditions in Afghanistan led our military leaders to recommend, and the President to conclude, that we needed to increase our forces in Afghanistan. The funds in this bill are that unforeseen portion of the cost of war. For someone to argue they do not qualify as an emergency is most unfortunate.

The Senator suggests we should cut unobligated balances. Several others have suggested we should cut from the stimulus bill. Nearly every dollar remaining in the stimulus bill has been committed to a particular project if not yet obligated. If we look at what is left, the largest item that is unobligated at the moment is for high-speed rail—approximately $7.9 billion—but those funds have been awarded to specific projects. We know where the funds are going, and they will all be awarded on contracts soon.

There is some $6 billion in unobligated Pell grant funding. But that amount is already assumed in the fiscal year 2011 budget. We already have a $5.7 billion shortfall in this great scholarship funding program. If we rescind this $6 billion, we will need to find nearly $12 billion in fiscal year 2011 to meet the shortfall.

More than $6 billion remains available to pay the States for fiscal stabilization. Thirty-four States have written budgets assuming these funds would be available to them. States such as Texas are scheduled to receive more than $1 billion of this amount. These funds are unobligated, but that does not mean they are not wanted.

More than $4 billion remains unobligated for education reform. The funds are ready for award and will be obligated in the next 4 months. Is this the program we want to stop?

Several Senators have proposed specifically rescinding funds from the Recovery Act. Senator COBURN also suggests this is one possible area of savings. Well, unless we want to cut the programs I have listed above, there are no funds to rescind from the stimulus bill.

The Senator from Oklahoma is indiscriminate in his suggestion we cut unexpended balances. Let me say this to my colleagues, in a trillion dollar discretionary budget, we better hope we have unobligated balances because if we did not, we would be terminating government services with a third of the year still remaining to be funded. For example, there would be no one to send out Social Security checks, no one to keep our national parks open, and no funds to maintain a terrorist watch list or fight our wars.

But unobligated does not mean unneeded. On Monday, I noted we have $8.3 billion in unobligated balances in the Joint Strike Fighter Program, but the Senator does not say what programs he would propose for the bulk of the cuts he is mandating.

In one amendment, he says, do not cut defense spending. In the other, it is, do not cut veterans funding. I share that sentiment, but if we are talking about cutting discretionary funding, the large unobligated balances are in the Defense Department.

As of last month, the Defense Department had nearly $400 billion in unobligated balances. There are plenty of unobligated balances to pay for the supplemental. But what sense does it make to cut defense spending so we can increase funds to cover the cost of war? Even the Senator seemingly agrees it would make no sense.

The $80 billion rescission authority in the Senator's amendment is virtually unworkable. In fiscal year 2010, the Federal funds unobligated balances, excluding the Defense Department and the Veterans' Administration, are about $597 billion. More than half of that—$330 billion—is unobligated balances for Treasury which are mostly financing mechanisms such as credit reform balances. These cannot be rescinded. That leaves only about $267 billion for the $80 billion of proposed rescissions.

Nearly one-third of the funds available to continue government operations for the remainder of the fiscal year would have to be eliminated. And, under the amendment, the Congress would defer to the unelected OMB Director to determine where to make the cuts. Not only is this a terrible concept, it is an abrogation of our responsibility to make spending decisions for the Nation. And, you can be sure, were we to adopt this amendment, the first thing to be cut would be congressional priorities.

It is always easy to suggest we should cut unobligated balances, or waste, fraud, and abuse, or someone else's earmarks. What is much harder to identify is specific programs which should be cut.

By way of example, if we cut funding for NOAA, it will mean reducing our capabilities to track the devastating oil spill washing up on our gulf coast communities at this moment. Slashing unobligated funding would curtail the efforts to restore wetlands and beaches that are vital to the environment and the local economy and to our fishermen who are banned from fishing, evidenced by the fishing disaster just declared by Secretary Locke.

In the case of homeland security, most of the unobligated balances which remain available are for acquisitions such as the national security cutter, aircraft for border security, border station construction, explosive detection equipment for our airports, radiation portal monitors, and border technology such as sensors, cameras, and x-ray

machines. This amendment would force us to curtail spending on these programs at the same time other Senators are urging the Senate to increase funding for them.

The Senator's two amendments fall short in identifying reasonable offsets for the cost of these bills. Does this body want to penalize all civil servants by not allowing any cost-of-living adjustment for the coming year? Do we want to encourage our most skilled workers to leave Federal service because their pay, which already doesn't match the employment cost index when comparing similar jobs in the private sector, would be frozen? What sense does it make to encourage our best workers to quit? That is not good management. Few successful private enterprises would suggest freezing pay for all their workers.

There are items that I believe have merit in the Senator's proposal, and I hope the committee can work with him as we move forward into fiscal year 2011 to identify them. Cutting overhead and saving funding through taxpayer compliance are good ideas which I know our appropriations subcommittees share. The government should rid itself of excess real property, and it should be encouraged to do so. But to set an arbitrary target of cutting $15 billion seems unrealistic, unwarranted, and unwise.

All my colleagues should be advised that it is very difficult to make significant reductions in spending 7 months into the fiscal year. At this point, we have made commitments to our agencies, and they, in turn, have made commitments to contractors and grant recipients. No, they haven't spent all their funding for the entire fiscal year, but nor do they have large unneeded balances that can be reapplied to cover the cost of emergent requirements.

If the Senate were to agree to cut $100 billion from the legislative budget at this juncture, the Congress would have two choices: lay off our staffs so that we are unable to meet the legislative demands of the institution or stop work on maintenance.

The Architect of the Capitol, Mr. Stephen Ayers, just testified that the Capitol Complex faces a growing backlog of deferred maintenance projects totaling over $1.6 billion which must be funded in the near future. Many of these projects are fire- and life-safety related. The Architect has received numerous citations about the urgency of the needed repairs to the aging infrastructure in the historical buildings within our complex. The Russell, Cannon, Capitol, and the Thomas Jefferson Library of Congress buildings are all in violation of current fire safety codes. The longer this work is delayed, the more it will ultimately cost. Each year, the Appropriations Legislative Branch Subcommittee attempts to whittle away at this backlog by funding a handful of these projects in the annual appropriations bill.

So we could cut $100 million from the legislative budget, but it would be penny wise and pound foolish, as the old adage says.

One suggestion made by the Senator from Oklahoma is to cut the administrative expenses of the Federal agencies by 5 percent. Again, it is an idea that sounds good. Surely every bureaucracy can be cut back. I would note that on the Appropriations Committee, we look for such cuts every year, but setting arbitrary targets would be irresponsible. For example, in the case of the State Department and the USAID, which lost large percentages of their professional staff during the 1990s or had them transferred from Washington to other embassies in Iraq or Afghanistan after 9/11, it will exacerbate an already unsustainable situation. Some of our embassies are 20 percent short of staff. USAID is being asked to do more and more, especially in key countries such as Pakistan, without nearly half the staff to manage the funds and conduct the necessary oversight.

Here are a few examples of what a 5-percent cut means. The Indian Health Service medical services would be cut by $185 million. This means 10,000 fewer inpatient admissions, 195,000 fewer dental patient visits, 55,000 fewer mental health patient visits, and 85,000 fewer public health nursing visits. The National Park Service base operations would be cut by $115 million and result in a loss of 1,130 park rangers nationwide. This would necessitate the closure of most national parks where security and health and safety maintenance could not be maintained, such as the Statue of Liberty, the Washington Monument, the Grand Canyon, Yosemite, and the Yellowstone National Park. Just think of the impact of such an action as we head into the busy summer months. The American people would be incensed by such a recommendation.

This amendment would cut the childhood immunization program by $25 million, preventing more than 30,000 children from being vaccinated this year.

Mr. COBURN. Madam President, would the chairman yield for a question?

Mr. INOUYE. Yes, I will be glad to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The reduction is in overhead expense; it is not in labor. The definition the Senator is using is an across-the-board cut. That is not in this amendment at all. Does the chairman realize that the 5-percent reduction is in overhead—not direct labor, not actual employees, but the management costs to run the different agencies?

Mr. INOUYE. We have looked into that, and I can assure my colleague that all the statements I have made have been verified.

Further, it would eliminate childcare subsidies for 35,000 low-income children and their working families who depend on subsidies in order to be able to work. It would eliminate over 40,000 Head Start slots that provide comprehensive early childhood services to low-income children. It would more than double the number of people waiting on their disability decisions from the Social Security Administration and delay benefits for everyone waiting on a decision. It would eliminate 13 million meals for older Americans, many of whom are low income, disabled, and depend on these meals for the majority of their daily food intake.

On another matter, these amendments would also arbitrarily cap voluntary payments to the United Nations by $1 billion. No matter how important to U.S. security, no matter how much our allies are contributing, no matter that our influence is often the function of how much we contribute, the amendment picks a round number out of the air and prohibits spending $1 more. Those calculations must be made program by program, agency by agency, whether for UNICEF, the World Food Programme, the International Atomic Energy Agency, or some other U.N. organization. The decisions should be based on the merits and the national security and foreign policy interests of the United States, not on some arbitrary amount proposed in this amendment.

Let's stop trying to legislate by formula. If there are U.N. programs that do not deserve to be funded, I am all for cutting our contributions, but this amendment does not name a single one.

Placing a cap on new Federal employees would create problems for several agencies. If Homeland Security needs to increase the number of Border Patrol agents to secure the border or the number of TSA operators to screen passengers for explosives under their clothes, does that mean we must cut the number of Secret Service agents or Coast Guard personnel or customs inspectors or FEMA personnel who are now helping to respond to disasters in Tennessee, Louisiana, Oklahoma, and Mississippi?

The same point can be made for the IRS and the HHS because most fraud, abuse, and waste is in the Tax Code and in Medicare. We need additional personnel to uncover this waste.

For the Veterans' Administration, when the agency is seeing an increasing number of veterans suffering from complex combat-related injuries and mental health problems due to numerous deployments, this is exactly the type of government action our veterans do not need or deserve. Congress has consistently, on a bipartisan basis, increased funding for the VA to build its capacity to handle these types of disorders. This type of zero sum amendment would ensure that in order to adequately serve veterans suffering from mental health and other combat-related injuries, the VA would have to decrease its capacity to handle other services, including addressing the backlog of claims processing.

This is a small point, but since the Senator chose to raise it yesterday, I wish to respond. I find it to be a clear example of the way the Senator misunderstands the work of the Appropriations Committee.

In his remarks yesterday, the Senator noted that the bill includes $1.8 million for the work of the Financial Crisis Inquiry Commission and stated that it was inappropriate to include $1.8 million in emergency funding to continue the efforts of this Commission. Several Members of this Chamber disagree with the judgment of the Senator that the Commission is unnecessary, but on one point I agree with the Senator. I share his views that the continuation of the Commission does not constitute an emergency, and for that reason, the Financial Services Subcommittee has been directed to identify an offset in discretionary funds to pay for this Commission, and they did. The cost of the Commission is fully offset with discretionary rescissions.

I will reiterate what I said on Monday. The vice chairman and I worked to ensure that only emergencies were funded in this act. In the few cases where nonemergency projects were funded, we insisted that these programs be offset. This may be the first time in decades that the committee has followed such a strict policy. Collectively, it was the judgment of the members of the committee that these are, indeed, tough times and we have to be very stingy with our taxpayers' funds. But let me repeat: The fiscal crisis the country faces cannot be overcome by failing to invest in those programs which are essential to our Nation.

The amendments offered by the Senator are unworkable. They represent a classic case of robbing Peter to pay Paul. Should we cut the pay of our employees at the same time we are asking them to be more efficient? That makes little sense.

Should we cap the number of Federal employees when demands for veterans services, border security, and ferreting out waste are on the rise?

Again, in sound bites, it does sound good. But in implementing the concept, we see it is unworkable.

Finally, I think the Senate should thank the Senator from Oklahoma for drawing attention to the matter that we need to do more with less.

As chairman of the Appropriations Committee, I can see the belt tightening that will be required in the coming years as we get our fiscal house in order. There are elements of this proposal I intend to have our subcommittees incorporate as we move bills for fiscal year 2011.

I can assure the Senator and all members of the committee that the committee will continue to stress the requirement to uncover waste and cut it. We will scrutinize all aspects of the Federal budget to identify the duplication and unnecessary spending, and we will use these savings to invest in the shortfalls the Nation faces.

I urge my colleagues to reject these amendments because, on balance, they are the wrong approach to solving our Nation's emergency needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I am taken aback by the chairman's remarks. We now sit at $13 trillion worth of debt, we have 10 percent unemployment, we are 4 years away from being Greece, and we are going to do what we have always done. The reason we can freeze Federal pay is because there is absolutely no inflation in this country. So instead of giving the raise, we don't. Every private sector business out there today is getting extremely more with less—to the tune that the productivity in the private sector was up 6.8 percent. If we had that same productivity in the Federal Government, we could lose 150,000 employees and do the same thing. But we would not accept what is necessary—the necessary pain—to protect this country for its future.

The chairman mentioned unobligated balances, but he spoke about obligated balances. We are not talking about money that has been obligated; we are talking about hundreds of billions of dollars that is not obligated. Last year, at the end of the fiscal year, there was in excess of $700 billion from the previous year that was unobligated, sitting there.

So it is about managing our money properly. That is like saying if you have $30,000 in a savings account and you want to buy a new home, you are going to leave it there and go borrow $60,000. No, you are going to use part of that to buy your new home. So we have the same approach that is disgusting America: We can't, we can't. What we can do is borrow against the future of our children. That is what this bill does.

So the first time we come out here with two good amendments that will offer a choice for the Senators of this body to actually make a downpayment on change in this country, to make a true downpayment on change, we get the same thing I have heard for 5½ years: We can't.

Let me tell you what we can do. We can cap Federal employees. We have added 180,000 Federal employees in the last 17 months in this country. By the way, their average salary is $30,000 more a year than in the private sector. Their benefits are $40,000 a year, which is twice what it is in the private sector. So capping Federal employees is a great way to start slowing down the growth and cost of government.

If the bureaucracy isn't responding, then it requires management changes rather than adding more people. The worst managers in the world always give the excuse: I need to have more people, rather than: I need to be creative about getting more out of the people I have today.

We need to change the standard under which we operate our government. We need to expect more, and we need to pay less. The American people cannot afford the government we have. We are unaffordable.

The chairman brings to the floor a bill that is more of the same. You can be critical of what we have offered. We don't have the advantages of the staff the chairman has. But this is an honest attempt to pay so we don't charge it to our children.

Notice he didn't say anything about the savings of $4.6 billion for not printing this paper every day that nobody reads but reads on the Internet. Yet we are going to spend $460 million a year printing government reports from this body and the White House that nobody looks at in hard copy. I would assume you would take by unanimous consent that we would cut $4.6 billion from the American Government. We didn't hear about that. That is not one of the bad ideas. We weren't attacked on that.

This Federal Government has to change if our kids are going to have a future. It isn't going to change until we have the courage and the fortitude to start making the hard choices. What the Appropriations Committee has said is that we are not going to make hard choices, we are just going to borrow the money. How many of you think the war is an emergency? How long have we known, or how long have we been in Afghanistan? It is not an emergency. Here on the chart is the definition of our own rules for emergencies. Nothing in this bill meets that except FEMA—nothing. Yet we have the gall to bring to the floor a bill called an ''emergency'' because we don't want to have to pay for it. We don't want to make tough votes or make choices between competing priorities.

We are just kicking the can down the road, and we are kicking the soup that was in the can all over our kids. We lack courage. It is not popular, it is not fun to make the hard choices, but we don't have any leadership that will bring the hard choices. That is why you have this amendment. Had we brought this amendment and we made the choices, we probably would not have gotten much kickback. But we decided we are just going to charge it to our children.

Guess what is coming after this. Another $200 billion that isn't paid for. Since the chairman of this committee voted for pay-go, we have borrowed $173 billion outside of pay-go because we voted and said it didn't count, and we had this wonderful celebration that we are not ever going to borrow money again. We are going to live within pay-go. But every time it has been there, we kicked it down the road. Pay-go means nothing. It means the American people will pay and we will go spend it. That is what it means. That is what this bill does. American people—you kids, you grandkids—you are going to pay, and we are going to go spend it. How are you going to pay? Your standard of living will decline.

This body—Republicans and Democrats alike—is complicit in ruining the

future for our children. It is time we change. We have a committee that makes fun of attempts to try to change things; actually, it stretches the truth. This isn't going to cost one TSA person their job or one FBI person. This government is so fat and so overladen with excess that any smart manager can come in and streamline it and we can save 10 percent and the American people know that.

We have 12 million people on SSI and SSDI. Do you know what we have discovered? We have discovered that 6 out of 100,000 of them are operating commercial vehicles right now, but they are ''disabled.''

We have all sorts of fraud going on. We will not address that. We will not fix that. There is waste—at least $350 billion the American public—maybe not this body—would agree we can cut out of the discretionary in fraud and Medicare tomorrow, and nobody would feel a thing. Yet we have a stoic Appropriations Committee that comes to the Senate floor and tells us we can't pay for it. It is not that we wanted to pay for it, we didn't want to pay for it because the staff on the Appropriations Committee knows where the dollars are, but they weren't told to pay for it. They are not going to be told to pay for the extenders bill that is coming either. What will have happened since February 12 when we passed pay-go? I will tell you what will have happened: $500 billion—$½ trillion—more in spending that is unpaid for and charged to our kids, and that will happen before July 1. So in 4½ months, after we say we are going to put in the discipline, that we are not going to spend money we don't have, we are going to spend another $½ trillion.

No wonder the country is sick of Washington. Our behavior causes them to wonder about the future of our country. I don't apologize for offering this amendment. I hope you vote against it because the voters, this time around, are going to be looking at how you vote and whether you are voting to make the hard choices, willing to eliminate things—maybe some things that are good but not as good as what we need to be doing—and make this a priority.

We don't have that courage. My challenge to my colleagues in the Senate is, let's buck up. It is OK to take heat from the special interests, the well-connected and well-endowed. Let's do what is the best and right thing for the country, not the easy thing for us, because this bill, the way it is written now, is easy for us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 4173

Mr. JOHNSON. Madam President, I will speak for a few minutes regarding amendment No. 4173, offered by Senators SESSIONS and MCCASKILL.

While I understand the imperative of balancing the budget, an across-the-board amendment that sets an artificial ceiling for all discretionary spending is not the solution. If Sessions-McCaskill is adopted, the Senate will be forced to slash funding for the Department of Veterans Affairs and its related agencies—including Arlington National Cemetery—by $1.1 billion below the requested level.

If we take medical care off the table—and I for one am not willing to cut medical care for vets—we put every other VA program at risk, including claims processing, medical and mental health research, and hospital and clinic maintenance and renovation. This would translate into an $862 million cut below this year's appropriation for non medical care VA programs. We are talking about a serious funding shortfall for essential VA programs.

This year, the VA's budget request includes $460 million over fiscal year 2010 to hire more than 4,000 new claims processors. After years of budget requests that ignored the backlog of claims and the unacceptable wait times for vets to get disability benefits, we finally have a responsible budget request that doesn't simply expect Congress to fill the holes.

The current wait time for a vet to have a disability claim processed is 160 days, and because of new benefits coming on line that will stress the system even more, the wait time is expected to spike next year. Asking a combat vet to wait 6 to 7 months before receiving payments for injuries they suffered while defending this Nation is wholly unacceptable. We cannot afford to delay the hiring of more claims processors.

Likewise, we cannot afford to defer critical research into combat-related medical and mental health conditions, such as traumatic brain injury and post-traumatic stress disorder. To do so while this Nation is at war would be the height of irresponsibility.

For construction, the VA's request already reduces these accounts by $293 million from fiscal year 2010. Further reductions in the program will only increase the backlog of construction projects.

I hope the authors of this amendment did not intend to reduce funding for veterans, but this amendment does nothing to protect them, and the subcommittee will only be able to fund programs to the level to which funding is available.

I urge my colleagues to reject this amendment and pass a sensible budget resolution that tackles the Federal deficit in a holistic approach rather than simply attempting to balance the Federal budget on the discretionary side of the ledger.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I thank and commend my friend for his presentation. He is one of the hardest working subcommittee chairmen of the Appropriations Committee.

If I may, I wish to be a bit personal. As some of my colleagues are aware, I did put on the uniform of this land and served in a war that was fought about six decades ago—ancient times. A few things happened between that time and this war. For example, although the regiment I was privileged to serve in had about the highest casualties per capita in the European conflict, it may be hard to believe but there was not a single double amputee survivor.

Today, if one goes to Walter Reed Hospital, one will see dozens of double amputees. Why? Because of high tech. For example—I am being personal now—in my case, it took 9 hours to evacuate me. Nine hours? That is a long time. But in Italy, they have hills. We had no helicopters in those days. You had to be carried by hand. As a result, no brain injuries survived and no double amputees survived. So the families did not have the problem then that they are having now.

There is another big difference. For example, if I wrote a letter as a soldier in Italy, that letter was censored by my commanding officer. I could not say anything about the war. All I could say is: Italy is a beautiful place. The food is fabulous. Nothing else. You could not say that my buddy Tom was shot. What they received at home were pleasant notes.

Today we have what is known as cell phones and other technology. You can communicate with your spouse every day. And these items are not censored.

I have had members on my staff with husbands fighting in Iraq and Afghanistan. They communicate all the time. Imagine if you are communicating with your husband in Iraq and suddenly you see that evening on CNN a program with that outfit in combat and your husband does not call you the next day. The stress disorder complex is not only hitting the GIs, it is hitting families. And now we are trying to cut VA, the Veterans' Administration, when the need is much greater? I cannot understand that.

I concur with the chairman that, if anything, if we are to show appreciation and gratitude, we should not be cutting, we should be helping. I commend the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I feel honored that I was on the floor and able to hear the chairman of the Appropriations Committee reflect on his own service and also compare the differences between World War II and the experience of our soldiers, our sailors, our airmen, and marines in the current conflicts.

My own father is a World War II veteran who was wounded twice in the Battle of the Bulge. The second time he was wounded was when he was waiting to be evacuated. I can relate slightly, from the experience of my own father, to what we just heard from the distinguished chairman of the Appropriations Committee. I cannot imagine being so badly wounded and waiting for 9 hours to be evacuated.

It is a good reminder to all of us, as we engage in the day-to-day debates and arguments and, at times, contentiousness, that we have true heroes in our midst. Certainly, the Senator from Hawaii is one of those. I thank him for his service—his lifelong service. It was an honor to be on the floor and to hear him talk about it because, like many of our World War II veterans, he does not talk about it very often.

I wanted to say that before beginning my remarks.

AMENDMENT NO. 4253

Madam President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 4253, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, and Ms. MURKOWSKI, proposes an amendment numbered 4253.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency)

On page 79, between lines 3 and 4, insert the following:

PROHIBITION ON FINES AND LIABILITY

SEC. 20____. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

Ms. COLLINS. Madam President, this is a modified version of an amendment I offered yesterday. I am joined by Senators ALEXANDER, INHOFE, BOND, VOINOVICH, SNOWE, BEGICH, GREGG, BROWN of Massachusetts, MURKOWSKI, COBURN, THUNE, and CORKER in supporting this amendment.

On April 22, the EPA's new lead paint rule went into effect. As I explained to my colleagues yesterday, unfortunately the EPA completely botched the implementation of this important rule. This rule is intended to make sure that lead-based paint is removed safely from our homes and, thus, it requires those involved in house renovations to participate in a training course in the proper removal of lead-based paint, and then be certified.

Unfortunately, the EPA did not plan well for the implementation of this new rule. Across our country, it did not have in place the necessary trainers and classes so that individuals could be trained to comply with this new rule.

What our amendment would do is to delay the fines that would apply in cases of violations of this new rule until September 30. Indeed, it would prohibit the EPA from imposing these fines, which are as high as $37,500 per day per violation for violating this rule.

I want to make clear that I support efforts to rid our homes of toxic lead-based paint in a safe manner. But it is simply not fair to impose these burdensome, onerous fines on contractors who have been unable to get the EPA-provided training because the EPA did such a lousy job in planning for implementation of this new rule.

In my State, for example, as of last week, we have only three EPA trainers to certify contractors for the entire State. As a result, only about 10 percent of the State's contractors have been certified. Hundreds of home renovators have had their names on waiting lists, some for as long as 2 months, but they simply cannot get the necessary training, and that is through no fault of their own.

I note that my amendment has been endorsed by the National Federation of Independent Business, our Nation's leading small business advocacy organization. It has been endorsed by the Window & Door Manufacturers Association and the National Lumber and Building Material Dealers Association.

These groups have endorsed it because they are hearing from their members of the tremendous burden and the tremendous fines that their members are potentially at risk of receiving through no fault of their own.

As the NFIB pointed out in its letter, the new EPA lead rule applies to virtually anyone who is involved in home renovations involving lead-based paint. That includes painters, plumbers, window and door installers, carpenters, electricians, and other specialists. Its reach is very broad.

What we found throughout the country is the EPA completely underestimated the number of people who would have to be trained. They also seem to be operating under the false assumption that contractors either do new construction or renovation. Madam President, I don't know about your State, but that is not true in my State. In my State, the home renovators do all sorts of work, particularly in this economy.

This imposes a tremendous burden on those of us who represent large rural States. In my State, most of the courses were held in the southern part of the State, requiring painters and other contractors to travel hundreds of miles to get the training they need. There are three States where EPA does not have any certified trainers available.

This is a commonsense amendment attempting to put some sense in the decisionmaking at the EPA by extending, until the end of this fiscal year, the time for compliance.

I want to make clear that I believe we should try to proceed with the removal of lead-based paint and that we need strict safety standards. But it does not make sense to impose huge fines on contractors who are unable to get the required training, the mandatory classes because the EPA did not have the trainers in place before putting the rule into effect.

In my State, the building industry is still struggling, and for a lot of individuals who are involved in the building industry, their only work is to do home renovations.

My State also has an old housing stock, one of the oldest in the Nation. Ironically, this new rule may result in not having anyone who is qualified to remove lead-based paint from homes because of the way this rule has been implemented.

I talked at some length about this issue yesterday. I am not going to repeat what I said yesterday. But let me point out that a lot of the contractors in my State who are struggling already financially do not earn in a whole year the $37,500 they can be fined for one violation by the EPA. It is simply unfair that these heavy fines can be imposed when it is the EPA's fault that the classes have not been made more readily available.

All I am attempting to do is to provide the EPA with more time to increase the number of certified trainers. This is a matter of fairness.

Madam President, I ask unanimous consent to have printed in the RECORD the endorsement letters from the NFIB, from the National Lumber and Building Material Dealers Association, and from the Window & Door Manufacturers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, May 25, 2010.

DEAR SENATOR: On behalf of the National Federation of Independent Business, the nation's leading small business advocacy organization, I am writing in strong support of the Collins Amendment to H.R. 4899, the Supplemental Appropriations bill, to delay the enforcement of the Environmental Protection Agency's (EPA) lead rule until September 30, 2010. The NFIB will consider a vote in support of this amendment as an NFIB Key Vote for the 116th Congress.

On April 22, 2010, the EPA's lead rule went into effect requiring home renovation contractors to complete a mandatory training class at an accredited facility. The new EPA lead rule applies to virtually any industry affecting home renovation including: painters, plumbers, window and door installers, carpenters, electricians, and similar specialists. The penalty for non-compliance can be up to $37,500 per violation per day. NFIB appreciates the intent of the law to ensure lead-free painting, home renovation, and repairs. However, we continue to be concerned that the tight enforcement deadline unfairly punishes contractors who have not been able to become accredited through no fault of their own.

NFIB has recently heard from several of our members in the home renovation industry who were unaware of their responsibilities under the new law. EPA did little to plan for the implementation of the rules until it was too late, and many home renovators had little information about how to comply, where to comply, and the resources needed to comply. Those that became aware of the rules have had difficulty signing up for classes due to limited or no availability in their area. In addition, several members have mentioned that scheduling conflicts made it almost impossible to find time to become accredited before the April 22 deadline.

We are concerned that the high penalty for non-compliance should be enforced without first taking every step possible to make sure the small business community is fully aware of its responsibilities. The Collins Amendment extends the deadline until September 30, allowing the EPA to get more information to home renovators about how to comply with the new rule. This time period will allow the home renovation industry to schedule an appointment with an accreditor in their area and make sure they have the necessary resources together to be in compliance.

NFIB supports the Collins Amendment to help small businesses comply with the new lead rule. I look forward to working with you to reduce regulatory burdens on the small business community.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

WINDOW & DOOR MANUFACTURERS ASSOCIATION,
Washington, DC, May 25, 2010.

Re Collins LRRP Amendment to Supplemental Appropriations Bill.

Hon. DANIEL K. INOUYE,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE AND RANKING MEMBER COCHRAN: On behalf of the Window and Door Manufacturers Association (WDMA), we are writing to urge your support of Senator Collins' Lead: Renovation, Repair and Painting (LRRP) amendment to the emergency supplemental. As you know, EPA's new LRRP rule, which took effect April 22, 2010, requires all renovation work that disturbs more than six square feet and all window replacements in housing built before 1978 must be supervised by a certified renovator and performed by a certified renovation firm.

WDMA has consistently supported measures to protect those most vulnerable to potential lead poisoning if lead-based paint is disturbed during renovation and repair of existing homes and buildings. Our members have made a concerted effort independently and in cooperation with other organizations to ensure that window replacements and other remodeling activities they engage in are performed in compliance with the certification requirements, work practice standards, and all other requirements of the final LRRP rule.

However, we continue to remain concerned that there are an inadequate number of certified renovators to implement the LRRP rule. This is having a serious impact on the remodeling construction industry at a critical time in our economic recovery, and when consumers are attempting to respond to the call for reducing their carbon footprint and green house gas emissions by renovating their homes to make them more energy efficient. Window replacement is essential to that effort. The targeted housing stock (pre-1978 homes) is estimated to be 80 million homes nationwide. Currently. there are only 204 trainers and 140,000 EPA-certified lead rule renovators across the country, with some states having no trainers at all. EPA estimates that 300,000 renovators will be needed for targeted housing. The availability of EPA trainers is insufficient to meet contractor demand.

We believe the new lead rule cannot be effectively implemented until there are enough certified renovators to meet the rule's compliance goals. We therefore strongly urge you to allow Senator Collins' LRRP amendment for consideration to the emergency supplemental, which would delay enforcement of the LRRP rule until September 30, 2010. This delay in implementation will allow the EPA to devote more resources to compliance assistance, increasing public awareness and accelerating the approval of trainers.

WDMA will continue its efforts to ensure compliance but we strongly urge that Senator Collins' LRRP amendment to include this needed delay in enforcement of the LRRP rule until September 30 is allowed for consideration. Once the amendment is under consideration, we urge your support for its passage.

Thank you for your attention to this matter.

Sincerely,

JEREMY STINE,
Manager of Government & Public Affairs.

NATIONAL LUMBER AND BUILDING MATERIAL DEALERS ASSOCIATION,
Washington, DC, May 25, 2010.

Re Sen. Collins EPA Lead Rule Amendment to Emergency Supplemental.

Hon. DANIEL K. INOUYE,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE AND RANKING MEMBER COCHRAN: On behalf of the National Lumber and Building Material Dealers Association (NLBMDA), we are writing to urge your support of Senator Collins' Lead: Renovation, Repair and Painting (LRRP) amendment to the emergency supplemental. As you know, the Environmental Protection Agency's (EPA) new LRRP rule, which took effect April 22, 2010, requires all renovation work that disturbs more than six square feet in housing built before 1978 must be supervised by a certified renovator and performed by a certified renovation firm, as outlined in 40 CFR §745.85.

NLBMDA represents over 6,000 members operating single or multiple lumber yards, building material supply companies and component plants serving homebuilders, subcontractors, general contractors, and consumers in the new construction, repair and remodeling of residential and light commercial structures. Many of our members engage in installed sales operations, such as window and door replacement and insulation installation, that are covered by the LRRP rule.

NLBMDA supports reasonable measures to protect those most vulnerable to potential lead poisoning if lead-based paint is disturbed during renovation and repair of existing homes and buildings. Our members have made a concerted effort independently and in cooperation with other organizations to ensure that remodeling activities performed in target housing will be done in compliance with the certification requirements, work practice standards, and all other requirements of the final LRRP rule.

However, NLBMDA also believes that despite the progress that has been made, the numbers of certified trainers, firms, and renovators is still too limited, and that when coupled with the current lack of accurate test kits and public awareness, EPA is not fully prepared to effectively implement and administer the program established by the final rule. Our members are reporting that it is taking up to four months for EPA to process their applications to have their firm certified by EPA as required under the rule. We therefore wholly agree with Senator Collins and her amendment, which would delay enforcement of the LRRP rule by EPA until September 30, 2010. We believe this new date of enforcement will provide enough time for our members to become registered with the EPA for lead certification.

NLBMDA will continue its efforts to ensure compliance but we strongly urge you to delay enforcement of the LRRP rule until September 30 by allowing Senator Collins' LRRP amendment for consideration to the emergency supplemental. Once the amendment is under consideration, we urge your support for its passage.

Thank you for your attention to this matter.

Sincerely,

MICHAEL P. O'BRIEN, CAE,
President & CEO.

Ms. COLLINS. Mr. President, I ask for the yeas and nays on this amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There does not appear to be a sufficient second.

Ms. COLLINS. Mr. President, I understand that the chairman has temporarily stepped off the Senate floor, so I will withhold that request.

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. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I was not on the floor when the Senator from Maine made her remarks about the EPA's lead paint rule, but she and I have discussed it numerous times, and I wanted to congratulate her for her leadership and persistence on seeing the impracticality of what the Environmental Protection Agency is trying to do.

She discussed this in the Appropriations Committee, she has discussed this with Senator FEINSTEIN, the Chairman of the Interior Appropriations Subcommittee, and with me—I am the ranking member on the Appropriations Subcommittee on Interior—and as more of us paid attention to what Senator COLLINS was saying, we found a significant problem in our own States.

Of course, the lead paint rule is a good idea. The idea is that for structures that were built before 1978—they mostly have lead paint—any work done by a repairman or contractor or painter that disturbs 6 square feet of lead paint must be done by someone who knows how to do it safely. This is especially important to children under 6

and to pregnant women. So we want to do that.

But in the State of Tennessee, it is a special problem to impose and enforce this new rule requiring contractors to be certified where we have just had severe flooding in our State that affects 52 counties, from Nashville to Memphis. This is the single largest natural disaster since President Obama took office.

People who hear me say that, say: Well, Senator ALEXANDER, haven't you heard about the gulf oilspill? Yes, I have heard about that, but that wasn't a natural disaster. The biggest natural disaster we have had since President Obama took office is the flood in Tennessee, affecting 52 counties.

One of the reasons you haven't heard as much about it is because a lot of other things have been going on in the world, including the gulf oilspill, but another reason you have isn't because Tennesseans are busy cleaning up and helping each other and not complaining and looting, so it doesn't make a lot of news. But the mayor of Nashville says there is $2 billion of damage just in that city alone. There was water 10 feet high in the huge Opryland Hotel, where 1,500 people had to be rescued and taken to a high school gym. There was 2 feet of water on the Opryland stage.

There are 11,000 structures in Nashville alone which have to be repaired as a result of the flood. So I think you can see where I am going, Mr. President. This isn't just a problem in certifying these EPA inspectors in ordinary times. We have 11,000 structures in Nashville, 900 in Millington, 300 in Dyersburg—maybe it is the reverse, but those are 2 other small towns and counties. People are going into their basements, they are taking down drywall, they are repairing their air-conditioning, they are repainting, they are cleaning up and getting back on their feet. This is a special problem because we only have 3 EPA trainers to certify up to 50,000 contractors who might have to be working on these homes.

In fact, we have over three-quarters of a million structures in Tennessee—that is, 750,000—which are homes or childcare centers or schools or other buildings that were built before 1978 that would be covered by this rule. So having a good rule is one thing; having a thoroughly impractical application and implementation period is another. And then to do it in the middle of a flood which is the largest natural disaster since President Obama took office is tone-deaf to reality.

So I have asked the EPA to delay the implementation and enforcement of its rule until September if a contractor registers for a training class. I am a cosponsor of Senator COLLINS' amendment, and I think it is very important that the Environmental Protection Agency hear what Senators from all around the country are saying, especially in our State of Tennessee where we have thousands of repairmen, painters, and workmen who need to go to work on tens of thousands of homes, and we don't want to have a risk where they may have to pay a fine of $37,500 for each violation. There are a lot of them who don't make $37,500 in a year. We are not talking about Wall Street financiers here; we are talking about workmen, repairmen, and painters who are helping people dig out after a huge natural disaster.

So Senator COLLINS has not only done the State of Maine a service by her persistence, intelligence, and leadership on this issue, but she has done a service for every citizen in the State of Tennessee in 52 counties who have been damaged by the severe flooding of the year 2010. So I thank her for her leadership and say to her that I am proud to be a cosponsor of her amendment, and I pledge to her—insofar as I am able as the ranking member of the Appropriations Interior Subcommittee—to work with other Senators on both sides of the aisle to try to get some commonsense implementation plan for this lead paint rule—a good rule, a bad plan.

Thousands of people are going to find that they can't repair their homes or that if they do, it will cost them thousands of dollars more because the repairmen they need to work on their homes can't get certified by the EPA because there are only three trainers in the whole State of Tennessee to do the job.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to thank my colleague and friend from Tennessee for his comments and his support. We have been working on this since we first began discussing it during the appropriations markup, and he has illustrated what truly can be a devastating impact of this rule. It could prevent the renovations, the cleanup, the reconstruction work from going forward in his State. In his State even more than most States, the impact could truly be devastating. It is serious everywhere but truly devastating in Tennessee.

I have also commented to my colleague from Tennessee how proud he must be of the residents of his State. You hardly have heard of any complaints from Tennessee even though this has truly been a devastating flood. I sometimes worry that perhaps because they are trying to help one another, they are not getting enough attention in the press or from Congress. Fortunately, they have a very fine advocate in Senator ALEXANDER and Senator CORKER, and they are continuing to look out for them by cosponsoring this amendment.

I thank the Senator for his support.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maine, and I see the Senator from Mississippi here. I would be remiss if I did not thank him and the chairman of the committee for including within the supplemental appropriations bill several provisions that will make it easier for the people of Tennessee, the important one being $5.1 billion in money for the Federal Emergency Management Agency. That helps everybody who has had a disaster. FEMA is out of money. That account is dry. Whether it is a flood in Iowa, a drought in Oregon, a river in Georgia, a flood in Tennessee, or what is happening in the gulf coast today in Mississippi, that account needs to be furnished.

But there are other provisions in the supplemental appropriations bill. The President didn't ask for these, but he mentioned that in his visit with us yesterday in the Republican caucus. He mentioned the flooding in Tennessee, which I appreciate.

I should also say that the FEMA representatives who have come to Tennessee since the flood have done a first-class job. As of last week, about $100 million had already been delivered to more than 30,000 Tennesseans who have been damaged by the flood. This has happened in just 10 days. The very experienced director of FEMA for Tennessee, Gracia Szczech, said she had her breath taken away by the amount of damage and the number of individuals affected and how rapidly it has gone out.

Tennesseans understand that Federal money is not going to make anybody whole. We are going to have to rebuild our own homes and our own buildings. But the actions of the supplemental appropriations bill will help.

Most impressive, though, as I have mentioned—and I appreciate the Senator from Maine saying something about it—is the spirit and attitude of Tennesseans. In Clarksville, where Fort Campbell is—the most deployed troops in America—they got a day off. They do not have many days off. Five hundred of them went out and cleaned up three neighborhoods in Clarksville, Montgomery County.

I visited the Bellevue Community Center in Nashville, and it was terrific to see so many volunteers walking in and asking to help. Whole congregations in Tennessee—a 1,500-person congregation—went en masse to help other counties and other neighborhoods.

I would say to the Senator from Mississippi, during the Katrina episode a few years ago, our church, the Westminster Presbyterian Church, sent dozens and dozens of Tennesseans down to help out at the gulf coast. Well, now our church is the headquarters for many Mississippians and others who are returning to Tennessee to return the favor and help Tennesseans get back on their feet.

This is going to be a long, several-year recovery for us, but this supplemental appropriations bill will help, just as it will help disasters all over the country.

It would be another big help if the EPA did not make it worse. That means stepping back to take a look and realizing that we have maybe 50,000 contractors who would need to be certified to work on up to 750,000 buildings in Tennessee. Many of them are flooded; many of them are not flooded. But we cannot get all that done in the next few days, and people cannot afford $37,500 fines for a violation. Most Tennesseans do not want to pay a few thousand more dollars to fix their flooded basement or their flooded house.

The repairmen and contractors and painters need the work. The construction industry that has about a 22-percent unemployment rate right now—that is more than twice what the overall unemployment rate is nationwide. So the EPA rule needs to adjust the implementation or execution in some sensible way so we can endorse the lead paint rule, but we can do it in a way that does not seriously disadvantage Tennesseans damaged by the flood.

The Collins amendment deserves the support of the Senate, and I am glad to have the opportunity to add my support to her efforts.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Tennessee for his kind comments about yielding time. I congratulate him and the Senator from Maine on their aggressive move to make sure the Federal rules and laws do not get in the way of humanitarian efforts that are extremely important in a time of natural disaster.

The flooding in Tennessee is a horrible mess. It has been overlooked in the wake of the gulf oil spill and other things that have probably claimed center stage in terms of its national publicity and television coverage that has been occasioned by these disasters. But my assurances are that we will continue to try to be active in a way that will be a constructive influence in the interpretation and application of Federal rules in these situations.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I have five amendments I would like to speak briefly about that I will not call up at this point. I was advised they are still trying to see if there is any objection to these being called up. I would still like to discuss them and explain to people why I would like to see these amendments adopted.

The first amendment I want to discuss is amendment No. 4279 related to bark beetles. This is a serious problem all of us in the West have observed. This amendment is cosponsored by Senator MURKOWSKI, who is the ranking member on our Energy and Natural Resources Committee, Senator UDALL of Colorado, and Senator BENNET of Colorado. We are, of course, looking for additional cosponsors.

This amendment addresses an important issue we have in our forests in the West. Bark beetles have affected some 6.5 million acres of these forests. The epidemic has resulted in a dangerous situation where dead trees are falling onto roads, trails, campgrounds, utility lines, and other infrastructure, posing a substantial risk of personal injury or death and property damage.

The Forest Service and National Park Service already have had to redirect tens of millions of dollars of funds that were appropriated for other projects and priorities in order to remove trees killed by bark beetles.

This amendment provides $50 million to help address the unbudgeted needs of the Forest Service and the National Park Service to remove bark-beetle-killed trees around roads, trails, campgrounds, and utility lines to protect public health and safety.

While the bark beetle epidemic has most significantly affected the forests and agency budgets in the central and northern Rockies, the need to redirect funds to address these needs has an adverse affect on other projects around the country.

The amendment is fully paid for. As I mentioned before, I appreciate that Senator UDALL of Colorado—who has been a strong advocate for doing this work—has cosponsored the amendment, along with Senators MURKOWSKI and BENNET of Colorado. Senators JOHNSON and BAUCUS also have advocated for emergency funding for this work.

I hope we can quickly get approval to go ahead and call up this amendment so it can be considered as part of this legislation.

The next amendment I wanted to discuss briefly is No. 4266, regarding Coast Guard funding.

This amendment looks around the corner, or beyond the horizon a little bit, at a problem that is likely to hit us in the future. Under the Oil Pollution Act, if BP denies the claim for damages associated with the Deepwater Horizon disaster, the rejected claimant has the right to file a claim with the Federal Government through the National Pollution Funds Center. I can see a virtual inevitability that this will occur and perhaps occur reasonably soon. Then the National Pollution Funds Center could find itself swamped with claims. They do not have adequate funds in their annual appropriation to deal with it.

The amendment simply allows them, for this one incident, to access further appropriations for these administrative costs. I think it is prudent for us to do this in light of what may well transpire in the reasonably near future.

The third amendment I want to talk about deals with the abandoned mine lands legislation we have on the books. I added Senator BUNNING as a cosponsor. It is amendment No. 4187.

This amendment would clarify that certain funds provided to the States under the Abandoned Mine Lands Program, administered by the Department of the Interior, could be used for two purposes: No. 1, for high-priority noncoal reclamation as well as coal reclamation; and, second, for State set-aside programs for the remediation of acid line drainage. The funds involved are those that have accrued to the States under the formula in the Surface Mining Control and Reclamation Act but had not been previously appropriated. Use of these funds for noncoal reclamation and acid mine drainage had been allowed prior to amendments made by the Tax Relief and Health Care Act of 2006. There was no intent at that time to change that result.

However, in 2007, the Solicitor in the Department of the Interior interpreted the amendments that we adopted in 2006 as limiting the ability of States to use these funds under the Abandoned Mine Lands Program for these purposes.

With respect to the use of funds for noncoal reclamation, while activities on noncoal sites have consumed a relatively insignificant portion of the funding provided for the overall AML Program, use of targeted funds for high-priority noncoal abandoned mines in the West is essential in terms of public health and safety.

With respect to the use of funds for acid mine drainage, allowing the funds to again be used for State set-aside programs for remediation of acid mine drainage has considerable benefits in terms of the environment and water quality, particularly in Appalachian States such as Kentucky and Pennsylvania and West Virginia.

This amendment does not score. It does not increase any funding to the States or to the tribes. It simply clarifies that States have the flexibility to use AML funds for these two uses, as was the case prior to the 2006 amendments, and at the appropriate time I will offer that amendment as well.

Let me discuss one other amendment. I have two other amendments I want to discuss. The first is amendment No. 4267.

The amendment I have mentioned contains a number of process improvements to help the DOE Loan Guarantee Program to operate more efficiently and effectively. I am pleased to have Senators MURKOWSKI and SHAHEEN as cosponsors of this amendment.

The amendment does six important things:

No. 1, it provides the flexibility to allow applicants to pay a portion of the credit subsidy cost, in concert with the use of appropriations for other parts of the cost. This feature will allow us to make more effective use of the appropriations provided to the program.

No. 2, it drops the requirement for expensive third-party credit reports in cases where the projects are small and are being proposed by start-up firms, which generally do not have a credit rating. The Department would treat these firms as having the lowest credit rating, which is what start-up firms

without a balance sheet generally have in any case.

No. 3, it provides enhanced hiring authorities for the DOE loan guarantee office and for professional advisors to help analyze projects being proposed for support through the program and the related advanced vehicle technology loan guarantee program.

No. 4, it fixes a glitch in DOE's rules for the loan guarantee program that prevents a project being guaranteed from being located on more than one site.

No. 5, the amendment also removes a requirement that keeps an applicant from submitting more than one application to the program.

No. 6, finally, the amendment allows the loan guarantee appropriation made as part of the Recovery Act to be used for energy efficiency projects, in addition to renewable energy and electricity transmission projects.

These proposed changes have substantial bipartisan and bicameral support. They do not add to the score of this bill, but will greatly help move the loan guarantee program forward.

I urge the adoption of this amendment.

The final amendment I want to speak briefly about is amendment No. 4268.

Amendment No. 4268 contains an important process improvement to help the Department of Energy Loan Guarantee Program to operate more efficiently and effectively. It sets a 30-day limit for dealing with or reviewing loan guarantee applications by the Office of Management and Budget once they are approved for conditional commitments by the Department of Energy. The time consumed by OMB reviews and the delays this has engendered in the program have been a substantial impediment to the effective functioning of the program.

This amendment would provide for a much greater degree of certainty and clarity in the operation of the program.

Again, I am pleased to have Senator MURKOWSKI as a cosponsor of the amendment. I hope we can adopt it as part of this legislation.

I will wait until I am advised by the floor managers that it is appropriate to call up these amendments, and at that time I will hope to be able to do so. I hope we can get the necessary support to adopt the amendments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to speak today on an amendment I filed, amendment No. 4222, which I hope at the appropriate time will be called up on my behalf. Actually, I suggest and hope this will become a part of the managers' package.

It is a relatively simple amendment, but I think it is very important in terms of clarifying the role of the Congress versus the role of the executive branch in a lot of decisionmaking.

Last October, the Secretary of Veterans Affairs announced his intention to establish a presumption of service connection for three medical conditions, including ischemic heart disease, for veterans who were exposed to Agent Orange. He stated this rulemaking was necessary as a result of the Agent Orange Act of 1991, which requires the Secretary of Veterans Affairs to promulgate regulations establishing a presumption of service connection once he finds a positive association of exposure to herbicides in the Republic of Vietnam and the subsequent development of any particular disease.

The Department of Veterans Affairs made a request on the basis of this rulemaking. It is contained in this supplemental. It is an amount of about $13.6 billion for the service connection, principally of coronary heart disease, to Agent Orange in Vietnam.

I think we need to proceed very carefully in terms of our role in the Congress in examining this presumption. It is not yet official policy in the Department of Veterans Affairs. It is still in the review process. The Congress is going to have 60 days beginning at some point this summer to examine this decision that General Shinseki made.

My amendment basically says: We should fence this money. And I think it is appropriate that, no pun intended, the Appropriations Committee honor the request of the DVA in this issue. But we should fence this money until the review process is complete.

This is the difficulty here. When the Agent Orange legislation was passed in 1991, it created two different sorts of presumptions. The first was that everyone who had been in Vietnam, everyone who had served in Vietnam, was presumed to have been exposed to Agent Orange. I would say, as a committee counsel in the House of Representatives more than 30 years ago, I counseled the Agent Orange hearings. There were four Agent Orange hearings. That was a very generous assumption that was made in this law, to say that everyone who was in Vietnam was, in fact, exposed to Agent Orange.

We do want to take care of those who were. We do want to take care of our veterans who served and who incurred disabilities or diseases as a result of that service.

The second presumption in this legislation was that, as a matter of executive discretion, the Secretary of Veterans Affairs could then look at information and decide which diseases or medical conditions should be also presumed to have resulted from exposure to Agent Orange.

So, first, everyone who served in Vietnam is assumed to have been exposed to Agent Orange, and then certain medical conditions are determined so that the presumption is they were the result of Agent Orange exposure.

In 2001, it was decided that type 2 diabetes was the result of Agent Orange exposure. It was decided by the then-Secretary of Veterans Affairs. By 2009, more than 263,000 Vietnam veterans were receiving disability compensation related to this decision. That is 10 percent of everyone who went to Vietnam, has been service connected, through this Agent Orange bill, with respect to type 2 diabetes.

The estimates we would have on coronary heart disease are much higher. We are talking about the potential, at a minimum, of spending $31 billion in the next 10 years as a result of this presumptive service connection, and I must say I have not had the opportunity, as a member of the Veterans' Committee, to hear from the Secretary of Veterans Affairs as to how he made this connection.

Looking at the review chart, there was a category called ''level of connection.'' In other words, when you take the scientific information and you apply it to this condition, what is the level of connection? For instance, when they looked at B-cell leukemia, there was sufficient evidence. That was a category.

When we are looking at coronary heart disease, it is ''limited or suggestive evidence.'' I do not know what that means. But what I wish to say is that we have an obligation in the Congress, A, to make sure we take care of our veterans but, B, that we also hold the executive branch to some sort of accountable standard.

That accountable standard will be occurring over the next couple of months. I think it is appropriate in this particular supplemental that we mark this—it is either $13.4 billion or $13.6 billion for this increase in the service connection, that we mark this as ''not to be spent'' until we can clarify this issue.

This is not in any way an issue as to whether we support our veterans. I take a back seat to no one in my concern for our veterans. I have spent my entire adult life one way or the other involved in veterans law. But I do think we need to have practical, proper procedures, and I do believe that the executive branch, whether it is the EPA or the State Department or the Department of Veterans Affairs, needs to be held to an accountable standard.

With that, I hope very much that we can get this amendment as a part of the managers' package. As the issue resolves itself, we can decide the appropriate level of funding that will go to the connection between medical conditions and exposure to Agent Orange.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Senate Daily Digest proceeded to call the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, I rise to speak about important funding in the supplemental appropriations act that will help my State of Rhode Island recover and rebuild from the recent devastating flood which left homes destroyed, businesses closed, and thousands and thousands out of work. The help in this bill is very important to us. Residents of our Ocean State were in a tough spot long before the rain started to fall. Our economy had been in severe recession for 28 months. Unemployment has remained over 12 percent, putting us in the top 5 States for unemployment for 12 months. Homelessness is on the rise. We are in the top 10 States for foreclosures, and our State budget is simply a disaster. The historic back-to-back floods in March hit an already hard-hit State. Rhode Island saw more rain during this disaster than any month on record ever, over 16 inches, with over 5 inches of rain falling on March 30 alone.

The devastation wrought by these storms exceeds anything in living memory. Meteorologists who have reviewed it are calling this the most damaging storm to hit the Ocean State since 1815. It is too soon to estimate the full economic impact of the March flooding, but it is clear that the economic damage to Rhode Island will be prolonged and severe. The peak storms of March 30 and 31 brought commerce not only in Rhode Island but in the region to a halt. Route I–95, the main artery that connects the major cities of New England and the middle Atlantic States, was closed for 2 full days. It flooded out following a surge of the Pawtuxet River. The river, which has a flood level of 9 feet, crested at its all-time high, almost 21 feet, on March 31.

It is hard to overstate the importance of I–95 to Rhode Island's economy because not only is it a regional artery, it is probably the single most heavily traveled local commuter and commercial artery for our State. Similarly, even Amtrak service through Rhode Island was suspended for 5 days due to the flooding out of the Amtrak rails.

At the height of the rains, Providence Street, a main road in West Warwick, looked more like a river than a road. This picture shows local emergency workers rescuing people who have been flooded into their homes and apartments, driving them through the flood in a boat with jet skis. It is not often that one sees local emergency workers driving down the roads of Rhode Island towns on boats and jet skis. But that is what it took to get residents out who had been trapped by rising flood waters.

A few days later, this was the scene at Angelo Padula & Sons auto salvage yard in West Warwick. The waters have receded, but we can clearly see the damage left behind. All of these cars were covered and filled with water. We can see the mud from the river heaped all over them. I don't know whether it can be seen on television, but hanging in the fencing is leaves and grass and other bits of trash, because the river was over all of this. This fence was a strainer, picking leaves, trash, and other debris out of the flow. This was completely under water when the river was at its height. When it came back, it left the devastation of this auto and salvage yard. According to local news reports, the floods destroyed 1,200 cars in this salvage yard as well as 16 cars in a sales lot and thousands of dollars worth of car parts. The damage to the surrounding neighborhood and the other businesses near Councilman Padula's yard was equally severe and devastating.

This legislation will enable the Army Corps of Engineers to examine the factors that led to the severe flooding in our State. It will help Rhode Island apply effective mitigation measures to forecast the risk of and prevent future flooding. Our communities are now hesitant to rebuild for fear of another flood. We must take steps to prevent a disaster such as this from happening again. People have to know where the danger area is. When you get two back-to-back floods in a matter of weeks that both blow through the 100-year flood line, one of which blows through the 500-year flood line in places, something is wrong with the measurement of the flood risk. The people who have been subjected to these floods know that. As one local business owner said in a recent report on WRNI, our local NPR station: What happens if it floods again in 2 months?

We need this knowledge. We need the support from the Army Corps to get in there and tell us what the real present flood risk is. Clearly, the previous estimates were badly wrong.

This bill also contains funding for community development block grants and economic development assistance grants for long-term recovery efforts that will help restore and rebuild Rhode Island communities. As I traveled around the State for days following the flood, the sheer magnitude of the damage was unprecedented. The Federal response came quickly. The President issued a disaster declaration almost immediately. Homeland Security Secretary Napolitano was on the ground within days. FEMA quickly came in to set up emergency assistance centers and begin processing disaster assistance applications. They set up offices all across the State. They did a phenomenal job of getting people into the State, of reaching out across the State and making sure they were widely spread and available to victims of the flood. So far FEMA has processed more than 25,000 claims and, in a State of a million people, that is a big number. I thank them for their hard work. Of course, FEMA delivers a particular specified product that is defined by law and regulation. They haven't been able to help everyone. People have fallen through the cracks, and so many Rhode Islanders remain frustrated.

I recently held one of my community dinners in Cranston for people to come and ask questions about flood aid. I heard from a number of people who feel as though they have fallen through the cracks in the wake of this disaster or feel that the help they have received is not enough.

Small business owners, for instance, have been limited to receiving low-interest loans from the SBA to recover from their flood damage. But for many of the small businesses which were already struggling through the terrible economy I described before the floods even came, the prospect of taking on more debt in order to repair flood damage is not feasible. They need grant support.

What is important about this legislation is that CDBG and EDA will allow the local municipalities to design appropriate programs to catch the people who were not those 25,000 satisfied customers of FEMA but are the people who, because of the nature of the program and the nature of their flood damage somehow managed to fall through the cracks.

For our towns and cities in Rhode Island, again, this could not have come at a worse time. I have already shown you some of the damage that was sustained in West Warwick. That is a town that was already experiencing hard economic times. Now the town's already stretched budget has been pushed to the limit by the overtime shifts and the emergency repairs and all of the extra effort required to deal with the flood and its aftermath. By lowering the State and municipal cost share from 25 percent to 10 percent, this appropriations package will be a big relief to the people of West Warwick. Frankly, the city of West Warwick and others will have the ability now to design packages to help their residents and their small businesses that were not adequately compensated by FEMA to try to get them back on their feet. So it is two good things for the municipalities: It is a reduction from 25 percent to 10 percent in their share, and it is an opportunity to create a plan that will help serve their constituents.

In Cumberland, RI, Hope Global, one of the town's largest employers, was completely washed out by the flood. This is a picture of Hope Global I have in the Chamber. This is their loading dock. Normally, there would be no water there at all. There would only be a parking lot there, and a truck would back up to this level. This would be several feet off the ground. As it was, I floated through those loading docks in an inflatable boat at Hope Global.

They are an enterprising company. Cheryl Merchant, who is their CEO, is an astonishing woman. She had all of the equipment in that factory jacked up on temporary pallets of one kind or another, so when the flood came in, it did not damage the machinery because it had been jacked up. When the floodwater went back down, they put the machinery back down on the ground. They got their electricity going again. They plugged back in, and they were

running in no time. Before their executive offices were cleaned up, while everything was still a wreck, the machinery was already spinning and the Rhode Islanders at Hope Global were already back at work. That was a great thing. But now they face the problem of, do we stay? Should we go on? Should we find a location where we do not face this kind of a risk?

One of the important decisions Hope Global needs us to make is to reduce the threat of future flood damage. Can there be a berm that protects them from the river overflowing, as it did here? They would like to see that berm constructed along the riverbank for their protection, and we are hopeful the funding in this appropriations package will help Cumberland to assist the Army Corps in getting that done quickly.

I will close by pointing out that the motto on the Rhode Island State flag is ''hope.'' That is our symbol. That is the phrase, the word that has seen us through tough times in the past. The flooding has destroyed homes. It has closed businesses. It has put careers on hold. But the people of Rhode Island have stood up remarkably well. However, the job of rebuilding roads, rebuilding bridges, rebuilding sewage treatment plants, rebuilding public facilities, homes, and businesses is a colossal and daunting task for a State already 28 months into severe recession. Rhode Islanders are a resilient bunch. We will recover and rebuild. But this will certainly help us to get there.

Since this appropriations package was passed unanimously in committee, I hope for quick passage on the floor.

I see the very distinguished ranking member of the Appropriations Committee, Senator COCHRAN of Mississippi, who represents a State that has seen its own share of flooding and difficulty recently. I know how sympathetic he is to our concerns and how effectively and helpfully he has worked with JACK REED, my senior Senator, who is also on the Appropriations Committee, who has worked to see that this gets done. So I want to take this moment, as I conclude my remarks, to pass on my gratitude to the chairman, Senator INOUYE; the ranking member, the distinguished Senator from Mississippi, Mr. COCHRAN; and my senior Senator, JACK REED, for all of their work in pushing this funding through the Appropriations Committee to where it is now on the floor. Our State is lucky to have had their support, and I look forward to continuing my work with Senator REED to make sure Rhode Island rebuilds.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4174

Mr. MENENDEZ. Mr. President, I ask for regular order with regard to the Reid amendment No. 4174.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4289 TO AMENDMENT NO. 4174

Mr. MENENDEZ. Mr. President, I offer a second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. KAUFMAN, proposes an amendment numbered 4289 to amendment No. 4174.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require oil polluters to pay the full cost of oil spills)

At the end of the amendment, add the following:

TITLE V—OIL SPILL LIABILITY

SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

Mr. MENENDEZ. Mr. President, the amendment I rise to offer today as a second-degree will do something several of my colleagues and I have been seeking to do on the floor for the last 2 weeks or so; that is, to make absolutely certain that big oil polluters pay for oilspills and not the taxpayers—not fishermen, not small business owners, not coastal communities, not States, not municipalities.

This amendment would eliminate the artificially low liability cap that is currently in place—a cap that is currently set at $75 million—which means companies such as BP are only on the hook legally for less than 1 day's profits. BP made nearly $6 billion in 3 months of this year in profits—not proceeds, profits. That comes out to about $94 million a day. So the present liability cap—the cap that says, yes, you have to be responsible for all the cleanup, all of the efforts, but to the extent you have damaged shrimp fishermen, commercial fishermen, to the extent you have damaged coastal communities—to all of that extent—there is a $75 million limit. Well, if we let that stand, that would be less than 1 day's profit for BP. So we want to make sure they are legally on the hook and their spill, which wreaks complete economic devastation on small business and local communities and our environment that could very well last for years to come, does not allow them to get away with not being fully responsible.

I believe yesterday we had a big day in the Senate in this debate about liability caps for oil companies that spill. First, the administration finally clarified. It had originally said we believe the cap should be lifted, but it had not quantified as to what that should be. Yesterday the administration clarified its position to say it will support unlimited liability for damages caused by future spills in deep waters. Then several of my Republican colleagues came to the floor of the Senate to support unlimited liability for damages caused by this particular spill, not a broader range. I think that is progress.

We certainly embrace the fact that for this and any potential future spill there should be unlimited damages. So from when I started this effort with several of my colleagues, including Senator NELSON, Senator LAUTENBERG, Senator MURRAY, and others, we have come from opposition to lifting the cap, to a determined amount, to now having an understanding that unlimited liability certainly in a spill of this nature should, in fact, take place.

However, we cannot depend on BP's good word or BP's statements. There is no consent judgment. There is no written guarantee. We need to make sure those communities within the gulf and that we as a nation and as taxpayers do not have to pay for BP or any other responsible party.

So it is encouraging to see colleagues coming around to see it the way I and 20 Senate cosponsors of my bill are supporting, but we still have a bit of a ways to go. We all should agree all oil companies should pay for all damages caused by spills from offshore facilities, certainly if they are doing deepwater drilling, certainly if they create the risk; and if that risk ultimately ends in damage, we should be able to universally agree they should be responsible for the liability. But we should not depend upon doing that just when an oil company makes statements they promise to pay; not just when the company is so big it can pay with a few weeks' worth of profits. We need to make sure people whose livelihoods are ruined by an oilspill are protected no matter what. We need to ensure big oil companies are held accountable no matter what.

That is why I am offering this amendment to remove the cap on liability completely so we can truly hold oil companies accountable for all of their potential damages.

I have heard some people referring to keeping the oil companies responsible, such as BP, as un-American—un-American—to hold a multibillion-dollar corporation accountable for the very disaster it created. I think it is un-American not to be able to pursue such a corporation for the purposes of holding them accountable for the disaster they have created to the economic well-

being of commercial fishermen, shrimp fishermen, seafood processing plants, coastal communities, wetlands, and a whole host of other consequences that we have.

This is a chance to show if we are going to stand up with big oil or with small businesses, including fisheries and coastal communities, whether we are going to stand up with multibillion-dollar corporations or with the taxpayers of this country so they have no liability whatsoever. I think the choice is pretty clear.

I hope everyone in our Chamber will do the right thing, to hold big oil accountable for the damages they have caused. I hope our colleagues will join us in this effort. I am truly pleased to see there is a movement in this direction. I hope we can make it a bipartisan movement. I think the American people are seeing that regardless of what BP ends up committing to pay or what they don't commit to pay, when they came before the Energy Committee and the executives were there and they were asked what are all the legitimate claims, they equivocated on a series of answers: Well, is this a legitimate claim? Is this a legitimate claim? Is this a legitimate claim? They equivocated on all of that.

When the three different entities—BP, Transocean, and Halliburton, all of whom may be responsible parties—had the opportunity, they all did the finger-pointing at the other one. That does not give me a sense of security or a guarantee that this enormous consequence to our environment and to our economy is going to be taken care of by the words of those who both shift blame and equivocate on their responsibility. I think we have clearly learned there obviously is no such thing as a rig that is too safe to spill, and there should be no legal wiggle room for oil companies that devastate coastal businesses and communities now or in the future.

This spill, if nothing else, tragedy that it is, should serve as a rallying cry for holding big oil responsible for the damage it has caused. That is our choice. That is our opportunity. I urge that is the fierce urgency of now, as we look at that live feed of that oil gushing every day for now well over a month. It is our fiduciary duty to the taxpayers of this country. It is our duty to the next generation of Americans in this country to make sure the company and companies that created this set of circumstances and these enormous damages are fully liable for it. That is the opportunity we have by virtue of this second-degree amendment.

I hope my colleagues will embrace the opportunity and live up to those responsibilities.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, in a moment I am going to talk about both the amendment offered by my colleague, Senator MCCAIN, to provide funding for members of the National Guard to be deployed to the border, our southern border with Mexico, for the purpose of better border security, as well as the amendment which I have offered as a second-degree amendment to the Cornyn amendment which provides funding for Operation Streamline, which is the process by which people who are apprehended crossing the border illegally are sent to jail for a couple of weeks as a deterrent so that they then don't want to cross in the future because they know they are going to be in jail rather than working someplace for the money they came to work for.

Just to explain one thing: when there is a member of the majority on the Senate floor, I will ask unanimous consent to modify my amendment with a technical modification. But the amendment is the same. What it does is to provide the sum of $200 million for additional funding for multiagency law enforcement initiatives—that is the way they are described—for the Tucson sector of the border, and that is roughly the eastern half of the Arizona border with Mexico.

Mr. President, $155 million of that would be available for the Department of Justice for the purpose of hiring additional deputy marshals, constructing permanent detention space, and other related needs of the Secretary of Homeland Security and the Attorney General, then $45 million available to the judiciary for courthouse renovation and administrative support, including judges and court clerks.

This is offset, and the emergency designation would be appended to it as the modification I will submit. The purpose of this is to enable the Border Patrol and the Department of Justice, when illegal immigrants are apprehended crossing the border, to present them to court. They are represented, and they can enter a plea or they can waive further proceedings. For those who, in fact, are found to have crossed the border illegally, they can be sent to jail. Ordinarily, if it is the first time, it is a 2-week sentence. If they have done it repeated times, it can be 30 days or it may be that some will serve 60 days. I am not sure.

The point is, where this has been done, for everybody who crosses the border—with some exceptions—for almost everybody who cross illegally, it has created a very effective deterrent to crossing. It becomes apparent to people who are trying to cross in that particular vicinity that if they do, and they are apprehended, they are going to jail.

About 17 percent of the people who come across illegally are criminals, wanted for crimes in this country, and obviously they don't want to go to jail. For the other 83 percent, roughly, those are people coming here to work. They cannot work and make money if they are in jail. They cannot send money back to family in Mexico or El Salvador or wherever it might be, so they, too, want to avoid this result.

The effect of this in the Yuma sector of the border—which is one of the two sectors, Del Rio, TX, being the other—where it is fully implemented, is that there is virtually no illegal immigration attempted in that sector of the border anymore. There are effective fences—about 11 miles of double fencing—and they have sufficient Border Patrol agents in the area.

There are some other factors for the reduction of illegal immigration in that sector. In the last 5 years, the apprehension has declined from 18,500 down to about 5,000-some—a 94-percent decrease. The head of the Border Patrol and others tell me one of the primary reasons for that reduction is this operation streamlining—the sure knowledge if they cross into that sector, they are going to jail. If we can provide that same kind of deterrence in the Tucson sector, where about 50 percent of all illegal immigrants are crossing into the United States from Mexico, then we would have gone a long way toward securing the border. Certainly, in Arizona we would have substantially eliminated illegal immigration in the State.

If we add to that the amendment of Senator MCCAIN, which would provide the funding for deploying National Guard on the border, I think we can go a long way toward securing the border in a relatively short period of time. So when the President has said he agrees with us that we need to secure the border, and he even proposed some funding or some National Guard troops on the border, I think this is a recognition that it is the right way to go.

I will make two quick points about Senator MCCAIN's amendment. First, the President has proposed far fewer numbers than Senator MCCAIN has proposed, which is a total of 6,000 National Guard, or 3,000 on the Arizona border. We believe it will take that many in order to accomplish the goal. The President's numbers are far fewer. It is unclear from the lack of detail in this proposal, but it appears those will not be literal boots on the ground but, rather, these National Guard troops will be there for the purpose of training and for administrative work, investigative work, and will, for the most part, be back from the border and not actually engaged in the work at the border itself.

The importance of that is we are told—at least anecdotally—the one thing the people who are coming across the border illegally fear more than anything else is National Guard troops. Border Patrol, they don't like them.

They don't like a county sheriff or anybody else, but when it comes to the National Guard, they want to avoid them. So this represents a real deterrent.

The second thing I want to say is, there is a letter from the National Security Adviser and John Brennan, the President's intelligence adviser, contending that the McCain amendment is an interference in the Commander in Chief's responsibilities because it purports to order National Guard troops to the border.

I want to make it clear that is not true. This appears to be another case of somebody in the administration spouting off about a law they have not read. In this case, it is the McCain amendment. It is all on one page. It is very easy. It says—by the way, remember, this is an appropriations bill we have, a supplemental appropriations bill. We are appropriating money. That is all the McCain-Kyl-Hutchison-Cornyn amendment does.

It says:

Additional Amount [that refers to money]—For an additional amount under this chapter for the deployment of not fewer than 6,000 National Guard personnel to perform operations and missions under section 502(f) of title 32 United States Code, in the States along the southern land border of the United States for the purposes of assisting U.S. Customs and Border Protection in securing such border, $250 million.

Then there is the offsetting rescission. It doesn't order National Guard troops to the border at all. It simply provides $250 million of additional funding for the purpose of the Guard, to the extent, obviously, or up to or fewer than 6,000 troops on the border. So it doesn't order anybody, doesn't interfere with the Commander in Chief's responsibilities.

For that reason, I hope when we have an opportunity to vote on this amendment—and I think one of the questions I want to ask my colleagues with regard to this vote is, when we vote and support the McCain amendment for funding for the National Guard, the Kyl amendment, which supports Operation Streamline, and the Cornyn amendment, which he will soon describe—the key is to get a vote.

It is now 20 minutes until 4. Cloture has been filed on this bill. It will ripen tomorrow morning and, presumably, we will have a vote. The question is, Will we have a vote on these amendments? Are we being slow-rolled?

I hope a member of the majority can come to the floor so we can ask, Are we going to get votes on our amendments? They are in order. They are not going to be out of order, from the Parliamentarian. They will provide funding for something all of us agree we need to do, and the President also agreed we need some funding, in any event.

The bottom line is, if we don't vote today on these and cloture ripens, this body will never have had an opportunity to express itself on this issue. What I want to do is, when the majority arrives, ask unanimous consent that we set these amendments for a vote so we can vote.

I yield to the Senator from Texas.

Mr. CORNYN. Mr. President, I ask the Senator—and we now have both distinguished Senators from Arizona on the Senate floor—is he aware of a new poll that came out today—CNN, I believe—that said nearly 9 out of every 10 Americans in this poll support putting more Border Patrol and Federal law enforcement agents on the border because of border security?

This isn't just something we thought was a good idea. It looks as though the American people recognize not only the incipient violence in Mexico and the spillover effect here but our inability to protect ourselves from the organized criminal activity of smuggling drugs, weapons, and people. Is that the Senator's experience, that this is the sort of thing that has broad public acceptance?

Mr. KYL. Mr. President, yes, I do think it has broad acceptance. I wasn't aware of this particular poll. I will ask my colleague from Arizona about this because he is very much aware of the public sentiment on this issue.

Mr. McCAIN. Mr. President, I ask unanimous consent to be included in the colloquy with the other Senator from Arizona and the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I will respond to the Senator from Texas, and I thank him. We who are from border States have perhaps a better understanding of the violence—the dramatically increased violence over the last several years. In the last 3 years, 22,000 Mexican citizens have been murdered in this struggle between the drug cartels and the Mexican Government. It is the worst kind of brutality: people being beheaded, bodies hanged from the overpasses. I think it was on the Mexican side of the Texas border the other day. There was a wedding—if the Senator recalls—and the drug cartel people went in and took the groom, the brother, and nephew out and murdered them. That brutality and violence, we all know, is spilling over the border. I believe three American citizens were murdered in Juarez—who were coming back from Juarez.

So the violence and the connection between human smuggling and drug cartels now is incredibly intertwined. They use the same routes, the same intelligence, the same sophisticated communications equipment. It is a threat to our security. That is why we Senators have asked for the Guard to be sent to the border.

What happened yesterday in what was clearly a PR stunt, the President announced 1,200 National Guard to the border. Now we find out they are going to do desk jobs. One of the things we have found out is that the presence of the uniformed Americans on the border has a significant effect on the drug cartels because the only threat they feel from Mexico is from the Mexican Army because of the terrible corruption that exists.

These people who have come across the Nogales border into Tucson and Phoenix have been distributed nationwide. People all over America are beginning to appreciate—according to the polling number the Senator from Texas pointed out—the American people are beginning to understand that our broken borders affect all of America. This violence is increasing, certainly, on that side of the border. The drug cartels make—the number I hear is as high as $65 billion a year. When I tell people we intercepted, in the Tucson sector alone, over 1.2 million pounds of marijuana, people don't believe it. When we tell them we intercepted 241,000 illegal immigrants—and we figure that 4 to 5 to 1 crossed our border to Tucson illegally—over 1 million people—what does the President do? He said he is going to send 1,200 troops to the border. We need 6,000. We need 3,000 for the border and 3,000 for the Arizona border. That is what we hear from the people who are enforcing the law.

This is a national security issue. It is something that all Americans are now more and more aware of and are supporting. I hope the administration and my colleagues on the other side of the aisle who also are being affected by this will understand we need to secure the borders first. Then we can work out an orderly system to address the results of our failure to secure the border.

I ask my friend and colleague from Arizona, what would happen if we enacted comprehensive reform and didn't secure the border?

Mr. KYL. Mr. President, I might respond by noting that my colleague from Arizona likes to talk about exactly what would happen. When President Reagan did exactly that, and the promise was to secure the border with amnesty for 3 million illegal immigrants, the amnesty was granted, but the border was not secure. I know there is an argument on the other side that, well, if we secure the border, then some people will not want to do comprehensive reform because they would not have any incentive to do so anymore.

I don't think that is right. I think there would be more of an incentive once we do secure the border. In any event, we certainly should not hold securing the border hostage to passing some law in the future. That is our obligation and the President's obligation irrespective of what other laws we pass.

Mr. McCAIN. I ask the Senator from Texas this: There is another important point. There is the belief that we can't secure our borders, that there is just going to be an unending flow of illegal immigrants into this country. I ask my friend from Texas, isn't it true that in at least parts of Texas, with the combination of surveillance, fencing, and proper staffing, there has been basically a secure border?

Mr. CORNYN. The Senator is absolutely right. Where there is a combination or layered approach to dealing

with illegal immigration, there have been great successes, including an effort to use prosecution of people for crossing and incarcerating them for a short period of time, which acts as a further deterrent.

The Senator raises another important point. While I certainly support his effort to try to get sufficient National Guard on the border, 1,200 won't cut it, not with a 2,000-mile border. We need more boots on the ground. We need to also make sure we support our local and State law enforcement people who are standing in the gap in the short term. That is why I appreciate the Senators' support on the other amendment we hope to vote on. We need the Southwest border task force to deal with these high-intensity drug trafficking programs. We also need to make sure we use the latest technology.

The distinguished Senator is the ranking member on the Armed Services Committee. He is well aware of the use of the military unmanned aerial vehicles and, I believe—and I think he would agree with me—they could be used as a good effect, as a multiplier effect for the Border Patrol and National Guard there, something that could be used for training purposes for the National Guard, who have had experience using those in Iraq and Afghanistan.

Finally, we need not only Border Patrol and National Guard, we need Alcohol, Tobacco, and Firearms. These are the people who actually catch the guns that are bought in bulk through straw purchasers and brought across the border that are used by the cartels. All of these Federal agencies—from ICE, CBP, DEA, ATF—all of them represent additional boots on the ground that could be used to help secure our border.

I appreciate the support both Arizona Senators have given, as well as Senator HUTCHISON, who is a cosponsor. But we need a permanent solution, not a temporary Band-Aid which I believe the President's proposal represents.

Mr. MCCAIN. Mr. President, bringing the issue back to my home State of Arizona, I ask my friend, Senator KYL, who has, along with me, traveled extensively to the southern part of our State, many of the residents of the southern part of our State, particularly those who are ranchers who live near the border, basically do not have a secure existence. They have people crossing their property illegally. They have home invasions. They have wildlife refuges on the border being trashed because of the overwhelming human traffic and the garbage and the items that are left behind. I have talked with ranchers' wives who said they could not leave their children at the bus stop.

I want to be very clear. Many of these illegal immigrants are just people who want to come and get a job. But the change over the last few years is that they are escorted by these coyotes who are also associated with the drug cartels who are amongst the most cruel and inhuman people in the world.

When people criticize the law in Arizona as being discriminatory, where is their concern for the individuals who are being escorted by these coyotes who inflict on them the worst abuses, terrible abuses? They bring them to Phoenix. Phoenix is the No. 2 kidnaping capital in the world. No. 1, Mexico City. No. 2, Phoenix, AZ. Can my colleagues understand why the people of Phoenix are upset?

They bring them to these drop houses, they jam them into these homes, and they hold them for ransom. Then once they get the money, sometimes they let them go, sometimes they ask for more money. In the meantime, they are suffering under the most inhumane conditions.

When the advocates for ''legal immigration'' are up, I say: Where is your compassion for the people who are being so terribly abused that the coyotes are bringing in the most inhumane fashion across our border and kept in the most inhumane fashions? Isn't that an argument to secure the border? Isn't that an argument to stop this human trafficking? They are unspeakable things. I will not on the floor of the Senate talk about some of the stories I have heard.

We have a situation in the southern part of our State where the residents are living in a state of, if not fear, certainly deep concern and insecurity. Then we have this terrible human trafficking tied to the drug traffickers who are committing the most terrible human rights abuses.

Mr. KYL. Mr. President, I will respond to my colleague by noting, these are the crime statistics that are never reported. Let's face it, the people who are accused of these crimes cannot go to the police and report what has happened.

Again, there is an argument made that crime statistics have actually gone down in the last 2 or 3 years. In the cities—the cities of Tucson and Phoenix, for example—that may well be true. I don't know. What I do know is this: In the rural ranch areas that my colleague, Senator MCCAIN, speaks of, families who used to have no worries at all, left homes unlocked at night, windows open, and if an occasional illegal immigrant or two came by and needed a sandwich or water, frankly, they got it, now fear for their lives.

One of our constituents was killed a couple months ago, a rancher who was beloved in the area. Others have been robbed. There have been physical assaults. They are no longer safe in their homes and in those more rural areas.

In the urban areas, I, too, will not describe on the Senate floor what goes on. If you can imagine large numbers of women and children who are brought across the border by people who have absolutely no scruples about committing any crimes whatsoever. They commit rapes and leave articles of clothing hanging from trees as a warning to anyone who dares to report it or as a way of bragging about what they have done. The things they do to these people cooped up in the safe houses for weeks on end, as my colleague said, are unspeakable.

There are so many reasons to secure the border. But this is one that is never spoken of. It bothers me as much as it does my colleague because we have people who speak of the human rights issues that might relate to an Arizona law enforced by sworn police officers in the city of Phoenix and the city of Tucson who, I am quite sure, will do their job as professional police officers, and not a word is spoken about the kind of situation my colleague and I have described. That bothers us significantly. It is just one more reason we do need to secure the border, as my colleague said.

AMENDMENT NO. 4228, AS MODIFIED

Mr. President, I wanted to wait until a member of the majority was here. I ask unanimous consent to modify the second-degree amendment that was offered yesterday, No. 4228.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To appropriate $200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset)

At the end of the amendment, add the following:

(k) OPERATION STREAMLINE.—For an additional amount to fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of division B and title III of division C of Public Law 111–117, $200,000,000, of which—

(1) $155,000,000 shall be available for the Department of Justice for—

(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) other established and related needs of the Secretary of Homeland Security and the Attorney General; and

(2) $45,000,000 shall be available for the Judiciary for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(C) hiring additional judges.

(3) The amounts in this subsection are designated as an emergency requirement and are designated to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for FY 2010.

(l) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals $200,000,000.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, if I may react briefly to the comments of the two Senators from Arizona, whether their concern translates into something like this: that the people who suffer the most from the current illegality and broken immigration system are, for example, a young woman who is a victim of domestic violence who has nowhere to report that crime because she is afraid of being deported, or the worker who earns money believing they have earned their pay but only to be jilted and not paid because the employer realizes they have nowhere else to turn or, as Senator MCCAIN mentioned, the coyotes, as they are known, the human smugglers who care nothing for these individuals as human beings but they are a commodity they trade in, just like drugs, weapons, and people.

This is a very real problem. It is true that most of it is not reported in the newspaper because people are afraid of being exposed because of what the consequences might be. But because we live in border States, because we interact with our constituents and see the consequences of the spillover effect of this kind of violence and lawlessness, that is why we feel so strongly that these amendments need a vote, as the Senator said earlier.

Mr. MCCAIN. Mr. President, I will point out another aspect of this issue. We are proud in my home State of our Spanish heritage. Spanish was spoken before English was in the State of Arizona. We believe our culture and our life and our State have been enriched by the influx of Hispanic citizens. We want that to continue, but we want it to continue legally. In a broader sense, we want everyone in the world to have an opportunity to come to our country legally. If we did secure our border, then everybody has an equal opportunity, rather than it be by geography.

Let me point out something, of which I am not sure my colleagues are totally aware. The sophistication of these human smuggling rings and drug cartels is beyond description. They have the latest equipment. They have the latest communications. They have the latest weapons. They have a network of informers and a network, unfortunately, of corruption that is of the highest sophistication. Their operations are extremely sophisticated operations which are quite successful. But there are areas and measures that have been taken in certain parts of our border that show we can secure our border. What we need is the manpower, the technology, the assets, and the funding to get our borders secured.

The State of Arizona, unfortunately, has become a funnel for this illegal human trafficking and drug cartels to the point where it has threatened the security of its average citizens.

I hope my colleagues will understand this is a humanitarian issue. This is an issue that cries out for the compassion of all of us so that we can give everyone in the world an opportunity to come to this country, but also to give our citizens a chance to live lives of security that makes them able to enjoy the rights and privileges that American citizens everywhere should enjoy, even if they live on our southern border.

Mr. KYL. Mr. President, let me ask my colleague a question. The number of National Guard troops that would be funded under his amendment is 6,000 total. The idea would be that it would fund 3,000 on the Arizona portion of the border and 3,000 wherever they would be deployed in other places on the border. Senator MCCAIN has argued that is a number closer to what is needed to do the job the National Guard can do than a number that would be less than one-fourth that much.

Would the Senator describe a little bit more the historic levels that existed, for example, during the time our now national Homeland Security Secretary was the Governor of Arizona, when she was very supportive of the Guard as well, compared to what Senator MCCAIN has asked to be funded in his amendment?

Mr. MCCAIN. Mr. President, I say to my friend from Arizona, the situation of Secretary Napolitano, former Governor, whom I respect and admire enormously, is a classic example of it is not where you stand, it is where you sit because when Secretary Napalitano was Governor of Arizona, she made fervent pleas for reimbursement for the State of Arizona for our law enforcement problems dealing with immigration and for 3,000 additional Guard troops to be sent to the border.

Senator KYL and I wrote a letter back on April 9 asking for a decision concerning troops to the border. We still have not received an answer. Perhaps what the President announced yesterday a half hour after discussing the issue with Senator KYL and me and yet not mentioning that decision might be made to send 1,200 troops to the border—you have to laugh. It is in the spirit of bipartisanship. I hope in the case of our Secretary of Homeland Security that we could see some restoration of the same zeal she held as Governor of the State of Arizona to secure our borders and advocate for the necessary assets to achieve that goal.

Mr. KYL. Mr. President, if I recall—and I could be wrong on this—the number that had been deployed to Arizona roughly in 2005 or 2006—I do not recall the exact year—was about 2,600. It was not quite 3,000. Obviously, we needed everyone we could get.

Eventually, a lot of those troops were then deployed to Iraq, I believe. In any event, we all—the Governor and the rest of us—were distressed when they were finally pulled out. I think 2,600 or something pretty close to that was the number and that Senator MCCAIN believes 3,000 would be the appropriate number under the circumstances that exist today.

Mr. MCCAIN. I think 3,000. I know we are taking a lot of my colleagues' time. I ask my colleagues and the American people to understand what we are facing in Arizona. I ask the American people and my colleagues to understand the frustration that the Governor and the legislature of Arizona felt about the conditions we have tried to describe on the floor of the Senate that exist, that cry out for Federal intervention, that they did not receive that assistance from the Federal Government so, therefore, they acted.

That law, by the way, upon examination certainly does not call for racial profiling. In fact, it expressly prohibits it. I would urge my colleagues to read the law. I have a copy and would be glad to provide them a copy of it.

But I hope my colleagues and the American people understand the reason why the legislature acted, the reason why we are here on the floor today asking for additional assistance is because of the plight of human beings, both the residents of my State who are there legally, whose security is being threatened, in some cases on a daily basis—those who live in the southern part of our State—and also for those individuals who are being transported across our border by these cruel coyotes and who are being terribly mistreated. There are human rights violations of the most terrible kind.

I hope we can all come together, recognizing this is a serious problem. It is not just a problem for Arizona, it is a problem for the Nation. We have a requirement to secure our borders. That is the obligation of every Nation. We happen to be, unfortunately, the State that suffers the most because of these insecure borders, but this spreads throughout the country. The drugs don't stop in Arizona; they go all over the country. The individuals who are smuggled in, all of them don't stop in Arizona; they go all over the country.

We need to help the Government of Mexico in their struggle against these drug cartels, but we also have to take the measure—which can probably help the Mexican Government as much as anything else—of getting our border secured. I want to assure my colleagues that those of us from border States, once we get our border secured, stand ready to address these other issues that need to be addressed. But if we don't get our border secured, a year, 2 years, 10 years from now we are going to be faced with the same problem over and over with a population of people who have come to our country illegally.

I ask not only for the votes of my colleagues on these amendments, but I ask for their compassion and understanding about a human rights situation that cries out for us to address as Christians and as individuals who are motivated by Judeo-Christian principles.

Mr. President, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4230, AS MODIFIED

Mr. ENSIGN. Mr. President, I ask unanimous consent to modify my amendment. The clerk has the modification.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To establish limitations on the transfer of C–130H aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C–130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act or any other act may be obligated or expended to transfer a C–130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submits to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C–130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C–130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C–130H aircraft has transferred a C–130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C–130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the National Guard of such State in responding to a disaster or other emergency.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have an amendment, No. 4282, that I will speak on. I will not call it up at this moment. However, my intent is to call it up at the soonest appropriate time.

I rise today to speak on this amendment and to also ask unanimous consent that Senator COCHRAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. First, I wish to commend the chairman and the ranking member for their work on the supplemental spending bill. This has been a well-crafted and pragmatic piece of legislation, but it has sometimes been difficult in putting this together and moving it to the floor. So I want to thank the leaders on the Appropriations Committee and the various subcommittees who worked to get this done.

This bill will greatly benefit our Nation's men and women in uniform. This bill also ensures that disaster victims have the services and assistance needed to help them recover from both natural and manmade disasters. I greatly appreciate the work of the chairman and the ranking member along with all of my colleagues on the Appropriations Committee.

Secondly, I wish to discuss amendment No. 4282 regarding FEMA's flood map modernization program. I wish to thank Senator COCHRAN and his staff for their hard work and diligence in preparing this amendment with me, as well as Senators LINCOLN, VITTER, and BROWNBACK, who are all cosponsors. I greatly appreciate their contributions as well.

The purpose of this amendment is to address concerns regarding economic development and the ability of communities to provide input in the development of new flood insurance rate maps. The amendment will do three simple things.

First, it would allow an extension of the flood elevation and Special Flood Hazard Area determination appeal period, upon request from an affected community.

Second, it would prevent FEMA from using technicalities to circumvent requirements to study the economic impact of map modifications.

Third, it would establish an arbitration panel for communities to appeal FEMA's proposed map modifications before a neutral third party. This sort of appeal from an independent third party is already allowed by statute, but it is rarely used. The amendment would set up an arbitration panel and highlight the ability of communities to use this as a manner of appeal.

As most of my colleagues know, I have been talking about FEMA's flood maps for the last several years. At first, I was working with a few other Senators to address the implementation of the program. Senator LINCOLN also has been a very determined advocate in this area. But now there are Senators representing 13 different States who have expressed an interest in addressing some common problems with the map modernization program.

Let me emphasize that I support modernizing our maps. I think that is good to do. I think it is something we should do. I think it is a good use of time and effort and resources to do that. However, what I am concerned about is that FEMA seems to be determined to use this as a revenue raiser for FEMA and the flood insurance program.

The way they have it set up is they will make determinations and basically greatly expand existing flood plains into areas that—because of levees and other flood control management efforts, costing billions of dollars, by the way—are not currently at risk for any flooding—or hardly any risk at all. But the FEMA flood maps, I guess on a technicality—as the maps are completed—would say they would be in a flood plain.

The bottom line effect of this is it creates a huge revenue source for FEMA. What happens, once they greatly expand the map of the flood plain, is that suddenly many of the people and businesses in that area have to purchase flood insurance. In our State, we have looked at the numbers, and that flood insurance could be as little as $100 a year, or it could be well over $2,500 a year. This has a significant impact on people's mortgage payments and their various loans for their businesses.

But here is what we have to keep in mind. From our perspective—and again, we are not the only State that does this; many States have river systems that flood—these people are already paying for flood insurance. What they are doing is they are paying for their local levees to protect their communities. As long as those levees are in compliance, and as long as there is not any real-life risk of a flood in a particular area, I think it is unjust that these people would be charged for flood insurance.

Some of the common problems with FEMA's approach are the lack of communication and outreach to local stakeholders; a lack of coordination between FEMA and the corps—that is the Corps of Engineers—in answering questions about flood mapping, flood insurance, and flood control infrastructure repairs; a lack of recognition of locally funded flood control projects; a lack of recognition of historical flood data; inadequate time and resources to complete the repairs to flood control structures before the maps are finalized—in other words, they may find a problem, and on day one, when they say you have a problem, even though the problem can be fixed very quickly, or within a year, let's say, they still are going to try to tag people with flood insurance in those affected areas. The other thing they have not considered is the potential impacts these new flood maps might have on economic development, particularly in small and rural communities.

Let me give an example of what we are talking about here on the ground in Arkansas. And again, if Senators think they do not have this problem, they may not today, but it is coming. Because as they redraw all these flood maps, this is going to be coming. I don't know about all 50 States, but in well over half the States it will, as they go through this flood map redrawing. So let me give an example.

In our State, of course the boot heel of Missouri is the very northeastern corner of our State. There is a levee

that is actually in Missouri, and when the Corps of Engineers inspected it, it has a sand boil. Now a sand boil is a problem for a levee, no doubt about it. There are varying degrees, and this particular one apparently wasn't that bad, but nonetheless there is a sand boil there, which means the water is starting to seep under the levee. It is totally repairable. They need a little time to fix it, but it is totally repairable. The concern we have—and when we talk to FEMA and the Corps of Engineers, we are not getting any comfort that our fears are not completely and 100 percent justified—is once they find that sand boil up in the very northern part of the St. Francis River Basin, they are going to say the whole basin is out of compliance.

In other words, in the real world, they could have a leak there. I hope they never do, and I hope they can repair it, but they could have a leak there. They could have a 100-year flood, and it could actually cause a problem to that levee. But think about it. The flooding would be local to that levee. It wouldn't be 50 miles away in a totally different part of the river basin area.

So FEMA, in my view, is doing things here that are very heavyhanded, very bureaucratic. I do believe they are searching for revenue based on the huge amount of money that FEMA had to spend on Katrina and some other disasters. FEMA's books are way out of balance as a result of that, and I see this as a revenue raiser for them.

The problem is, as I said, they are going to go into areas that have very strong levees that will never flood. Some of these levees are built to well over the 100-year standard. In many places in Arkansas they built them well over that, because in 1927—and there have been a few years since—we had very serious flooding problems in our State. So in the eastern part of our State, people believe in levees because they have needed them before. The levees have saved them before. The levees have breached before, so they have been on both sides of that equation. They believe in levees and they understand the value of them.

But that is not just true in Arkansas. You can go to Mississippi, Louisiana, Tennessee, Missouri, and Illinois, not just up and down the Mississippi, but up and down lots of other river systems in this country and this problem is coming to your State. If you haven't seen it yet, you will. This problem is coming to your State.

What we are trying to do with this amendment is to at least—and, personally, I think we ought to have various remedies available in this FEMA remapping project—at a minimum set up the ability to have an arbitration panel, so if the Corps of Engineers and FEMA make a finding, the community at least has a chance to appeal and, hopefully, effect a remedy before they get hit with the flood insurance requirement.

There is a lot more to this story, but I am not going to bore my colleagues and talk too much about it today because it is not the pending amendment. But I would very much appreciate my colleagues' consideration. I hope we will be able to be successful in attaching this. It basically doesn't cost any money. There is no grant program. At one point we were talking about a grant program, but we don't have that in here.

We set up an arbitration panel, and the membership of the arbitration panel would have expertise in hydrology, administrative law, and/or economic development. We would let the Corps of Engineers provide the technical guidance, which I think would be very valuable. Also, we allow communities an appeal period, where they can appeal within 120 days, and it also clarifies under some circumstances that communities could be at least partially reimbursed for the cost of the appeal. That is already in existing law. That provision is already in there, but we are making it clear that the rule would apply to this process.

Mr. President, I thank you for your patience in listening to me. I know we have other Senators who, if they are not on the floor at the moment, are waiting to speak, so I wish to mention that my amendment, No. 4282—I am not calling it up at the moment, but I wish to at the earliest possible moment.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 4214 AND 4202

Mrs. HUTCHISON. Mr. President, I rise to speak today in favor of the McCain amendment and the Cornyn amendment. I am cosponsor of both of these amendments. I understand we will be voting very shortly on these amendments as we move forward on the supplemental appropriations.

I am cosponsoring these amendments. The border State Senators have worked together, particularly in light of the escalating violence that is happening on the other side of the border with Mexico. It has particularly hit Texas and Arizona. So Senator MCCAIN and Senator KYL and Senator CORNYN and I have repeatedly asked for reinforcements to support controlling our border.

I offered versions of both of these amendments in the committee that produced this bill. I certainly hope we will be able to agree to these amendments—which are fully paid for, I might add. They will not add to the deficit. But it is so important that we have as a priority in this country the control of the borders of our sovereign Nation.

We cannot allow the illegal activity and the unspeakable violence to continue along our shared border. Ten thousand people have been killed in Mexico in drug cartel-related violence, many of them police officers and law enforcement officials, just this year; 2,000 over the last 3 or 4 years. It is escalating. We are seeing effects of the illegal activity spill over on our side of the border for sure.

We have an increase in the activity in our judicial system, in our law enforcement, our local law enforcement. American taxpayers are paying for local law enforcement for us to be able to try to stop this activity from coming across. But there is evidence that it is coming across as we see drug cartels setting up operations in cities on our side of the border.

I have invited the President to tour the border with me. That offer still stands. I welcome the opportunity to show the President exactly what the security challenges are and to see what the Border Patrol and DEA agents are going through on a daily basis, not to mention our border sheriffs and policemen.

After deemphasizing border security and even proposing to cut the border patrol on the southwest border in the President's own budget, I was pleased to finally hear a better set of words and proposals from the President—that he will agree to increase border funding. But it is a little late coming since so many of us have been asking for months, and even over a year, for this extra border security. Border Senators and Congressmen have repeatedly called on the President to focus on this issue. Then we find that his original budget actually decreased the number of border patrol.

What we know is that the President is now calling for an additional 1,200 National Guard to be deployed to the border. Texas alone has requested 1,000 National Guard. Spreading 1,200 National Guard over four States is really an insufficient response to a national security priority.

The McCain amendment specifies title 32 authority for the National Guard. It is fully offset, and it deploys 6,000 National Guard to the southwest border. This is much more aggressive than the President's proposal of 1,200. Although I am pleased the President is making a start, 1,200 is barely going to cover Texas, much less Arizona and California. It would certainly be an addition, if we can agree to the McCain amendment, to really show we are serious about beefing up the border security for our country.

Under the McCain amendment, the National Guard would help the CBP, the Border Patrol, get operational control of the southwest border. It will augment our security forces until a continued scale-up and training of Border Patrol agents can take place.

Basically, what the McCain amendment does is say this is a temporary fix. We are not asking that Border Patrol be a permanent fixture on our border. We don't want that. I was even

hesitant to ask for Border Patrol. But the situation has gotten so serious that we now have to take stepped-up measures as a stop-gap while we train the Border Patrol to do their job.

The Department of Homeland Security has 17,000 personnel assigned to the southwest border. Well under half the agents—about 7,700—are currently assigned to Texas even though 63 percent of the border runs through our State. Arizona has only 4,000 agents. We all need more support.

Adequate National Guard support is critical to help patrol spillover violence and address all of our security challenges until we have more of the Border Patrol agents ready to go.

Another amendment offered by Senator CORNYN, which I also cosponsor, will drastically increase support for law enforcement at every level, Federal, State, and local. I wish to speak particularly to the portion of Senator CORNYN's amendment that funds the unmanned aerial vehicle, the UAVs as we call them, which I introduced in committee and on the floor as standalone amendments.

I have worked with the FAA and Customs and Border Patrol so we can quickly increase the presence of unmanned drones, or UAVs, to help protect the Southwest border. These unmanned drones are able to monitor the progress across the border, and also monitor crossings that might be illegal across the border, places where you cannot put a Border Patrol agent. There are many miles that have to be covered. You cannot have a Border Patrol agent every 12 or 15 feet on the border.

But these unmanned aerial vehicles do provide so much of our intelligence gathering and information gathering that it would supplement the Border Patrol, and what I hope are additional National Guard.

Last week, I, along with members of the Texas delegation, met with FAA Administrator Babbitt. We urged him to allow the UAVs to operate along the Texas border. He committed to working closely with the Border Patrol to approve the use of UAVs in my State, as well as to streamline the approval process across the Nation.

We have no UAVs in Texas, none. The FAA and the Border Patrol have gone back and forth about who is responsible for this. But the bottom line is we have 1,200 miles of border with Mexico and no UAVs to help bridge the gap between Border Patrol stations and cameras.

The UAV amendment will allow the Border Patrol to obtain and operate at least six new drone systems and hire pilots, with the goal of covering the United States-Mexico border in Texas, New Mexico, Arizona, and California every day of the week, including nights. We now have a system that only operates in the daytime—not in Texas, but in other areas. That is not good enough, because so much of the activity takes place at night.

The amendment provides funding and direction to quickly implement the drone procurement and maintenance. It provides funding for 60 pilots and crew. All of the costs are fully offset. Border Patrol currently operates six unmanned drones in the United States, but only three in the Southwest border. The six additional UAVs will provide full Southwest border surveillance 7 days a week without diminishing drone surveillance along the Northern border and off our Nation's coast.

More UAVs will help the Border Patrol gain consistent control of our borders. Using the drone systems is a force multiplier, and it allows border enforcement officials to more efficiently and consistently monitor the border and respond to illicit activity.

I am a cosponsor of the two amendments. This is very important to the whole Southwest border. But I do feel that my home State of Texas has been particularly challenged because we have had no UAVs. We have had only 7,700 Border Patrol personnel across the 1,200 miles, and you cannot be serious about border security. This has escalated because of the violence in Mexico. The heinous crimes that are being committed in Mexico, many against law enforcement officers, are something we read about in the papers. We have even had our own U.S. State Department people killed in Mexico. We have evidence that the cartels are setting up shop in cities in my home State of Texas, and I imagine they are setting up in Arizona as well, maybe California. I do not know about that. But I do I know in Texas they are. I know that when you are facing people who have automatic weapons, they have very sophisticated intelligence gathering—these are the cartels, not the government. They are killing police officers. They are putting signs on the burial places of these police officers saying: These are next. Then they will come back and they will cross off on the sign the people they have just killed, leaving the ones who are still alive to know they are being watched every moment and they are targets.

We cannot sit here and let this happen without aggressive action. That is why we have to act, and why his original budget that was submitted to Congress is laughable in this context.

Now he is saying he will do 1,200 National Guard. Texas is asking for 1,000, Arizona is asking for 600—Arizona is asking for—I don't know. They only have 4,000 Border Patrol agents and they are asking for 3,000 National Guard. I did find my place. They are asking for 3,000. Texas is asking for 1,000.

We need to pass this amendment. It is fully offset. We would like for the whole stimulus bill that is going through, the supplemental appropriations, to be offset. We should have not more debt. We have enough money in our system if we prioritize border security. It is a national security issue and it should be in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, at the appropriate time I will ask for amendments Nos. 4242 and 4287 to be called up for consideration.

I ask unanimous consent that Senator LANDRIEU be added as a cosponsor on amendment No. 4242, and Senator LEMIEUX be added as a cosponsor on amendment No. 4287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, it is now day 37 of the oil spill. We are no closer to finding a solution to this crisis then we were on day one.

Oil continues to pour into the gulf at an unprecedented rate, significantly more than the estimate of 5,000 barrels a day.

Oil has reached deep into the Louisiana marshes. Tar balls have washed up on the shores of Alabama and Mississippi.

As long as this oil continues to flow into the gulf we have a real and unprecedented disaster.

On May 18, I requested that the Secretary of Commerce declare a fisheries disaster in the Gulf of Mexico. Alabama's fishing industry represents one of the largest economic engines in the State, accounting for more than $800 matron in annual sales and nearly 18,000 jobs.

On Monday, the Secretary declared a fisheries disaster in Alabama, Mississippi, and Louisiana.

Now, it is up to Congress to ensure that our fishermen who will be adversely impacted by this oil spill for years to come receive adequate assistance.

Today, I offer an amendment to help our gulf coast communities mitigate the disastrous effects of the oil spill. This amendment is not more spending but offset from the oil spill liability trust fund. It further requires ''responsible parties'' to reimburse the trust fund for funding the Federal Government puts towards this amendment.

First, this amendment provides $20 million to fund the Secretary of Commerce's disaster declaration. NOAA has closed 22.4 percent of the commercial and recreational fisheries in the gulf because of the spill.

This declaration will allow the Federal Government to put additional, immediate Federal resources towards this disaster to alleviate and recover from the devastating impacts to the gulf's fisheries.

However, this declaration has no teeth if it is not funded. While I hoped the administration would realize this by requesting an amendment to the supplemental, they have not. My amendment will provide the resources necessary to help our gulf coast region.

Second, it provides NOAA with the resources necessary to begin an expanded stock assessment in the gulf.

A comprehensive stock assessment is critical to the gulf, where there are

hundreds of species managed under fisheries management plans or international conventions. NOAA recently identified the needed steps to improve and expand stock assessments in the gulf and to do so, they will need the best and most timely data on the health and abundance of the stocks. This amendment will provide $15 million to NOAA to begin an expanded stock assessment. We must know what the fisheries stocks in the gulf are now, so we will have a better idea how the oil has affected them.

Finally, this amendment will provide funding to the National Academy of Sciences to study the long-term ecosystem impacts of the spill on the gulf.

It is critical to proactively work to adequately deal with this man-made crisis. If the oil continues to spill in the gulf unabated, it will not only destroy the fisheries this year, but will adversely impact the gulf's ecosystem for decades.

We cannot simply sit by and wait for this problem to solve itself. Clearly, we all know that BP has not yet come up with a solution.

We must continue to ensure that BP, as the responsible party, pays for all damage related to this oil spill, but that does not mean BP can make all the decisions as to what to do and how to handle the disaster that continues to unfold.

We have been dealing with this crisis for 37 days and are no closer to stopping the oilspill than we were on day 1. Since the spill, BP has failed in every attempt to stop the oil flow.

We need to begin putting resources in the gulf to help mitigate the long-term effects of what could be the largest and most devastating oilspill in American history.

I ask my colleagues to support the people of the gulf coast by supporting my amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENTS NOS. 4231 AND 4232

Mr. MCCAIN. I would say to the distinguished chairman, if there is a unanimous consent agreement concluded, I would be more than happy to be interrupted. I know that business in the Senate needs to proceed. I am proud to be joining forces with my colleague from Oklahoma, Dr. COBURN, to insist that we stop burdening our children and our grandchildren with massive debt.

We have before us today a supplemental appropriations bill totaling nearly $60 billion, most of it not paid for, simply being added to the ever growing debt, to be paid for by future generations of Americans.

If we are serious about our commitment to reduce our debt and eliminate our deficit, then Congress needs to start making some tough decisions about our national priorities and we need to start now.

Dr. COBURN is seeking a vote on one of two reasonable amendments, both of which would fully offset the cost of this bill. Yesterday, Dr. COBURN very eloquently laid out his reasons for offering those two amendments. Essentially our fiscal situation is extremely perilous and we can no longer afford to approve any new Federal funding without eliminating wasteful and unnecessary spending in other areas.

Mr. President, a kind of bizarre thing happened yesterday. In the middle of his speech and his argument before the Senate, Dr. COBURN yielded the floor to the majority leader who proceeded to file cloture on this bill after only 1 day of floor consideration and not a single vote on any amendment. So on a $60 billion bill, most of it not paid for, we are now going to, without a single amendment having been voted on, be voting on a bill, in fact, that will not be paid for. As my colleagues know quite well, the editorial page of the Washington Post is by no means a conservative, right-leaning, penny-pinching bunch, but even they are perplexed about what we are doing here. Yesterday, in an editorial entitled ''Congress as Usual: There's an election coming. Time to spend,'' the Post wrote:

> All across the Western world, fiscal stimulus is starting to give way to fiscal consolidation. In London, the new British government has announced $8.6 billion in immediate budget cuts. In Paris, French President Nicolas Sarkozy is negotiating to raise that country's retirement age. In Madrid, Spanish civil servants are facing a 5 percent pay cut, followed by a wage freeze. Even Italy is talking about tightening spending. And don't get us started on Greece.
>
> Only in Washington, it seems, is the long awaited ''pivot'' to fiscal restraint nowhere to be seen. As the mid-term elections draw near, Congress is considering a passel of new spending, necessary and otherwise, most of which won't be paid for.

Sadly, the Washington Post hit the nail on the head and the bill before us is the perfect example of Congress's inability to deal with the very serious fiscal realities that are facing this Nation.

Under this supplemental, DOD receives $33.7 billion for operations in Afghanistan, Iraq, and Haiti. The bulk of this money, $24.6 billion, is for operations and maintenance, and much needed other funding. The remainder of the DOD funding is for military personnel costs and other equipment.

Some say the fiscally responsible way to pay for our war costs is to increases taxes. We disagree. The American people, particularly our soldiers and their families, are sacrificing enough already. It is time for Congress to start making some sacrifices and forgo the earmarks and other special deals to help provide our troops with the support and equipment they need.

The first amendment of Dr. COBURN saves taxpayers $59.6 billion by doing the following: freezing raises, bonuses, and salary increases for Federal employees for 1 year; collecting unpaid taxes from Federal employees, $3 billion; reducing printing and publishing costs of government documents, $4.4 billion over 10 years; reducing excessive duplication, overhead, and spending within the Federal Government, $20 billion; eliminating nonessential government travel, $10 billion over 10 years; eliminating bonuses for poor performance by government contractors, $8 billion over 10 years; repealing the Energy Star Program, $627 million over 10 years; eliminating an increase in foreign aid for international organizations, $68 million; limiting voluntary payments to the United Nations, $10 billion over 10 years; striking unnecessary appropriations for salaries and expenses of a government commission Congress ignored, the Financial Crisis Inquiry Commission, 1.8 million; rescinding a State Department training facility that was not requested by the community where it is to be constructed, $500 million.

On the second amendment we can save taxpayers $60 billion by cutting budgets of Members of Congress, by disposing of unneeded, unused government property, auctioning and selling unused and unneeded equipment, rescinding unspent and uncommitted Federal funds, $45 billion.

We have ways we can cut spending. We have ways we can reduce the government, in the first amendment, by nearly $60 billion, and in the other one by $60 billion.

In a letter to Speaker PELOSI in April of last year, President Obama wrote:

> As I noted when I first introduced my budget in February, this is the last planned war supplemental. Since September 2001, the Congress has passed 17 separate emergency funding bills totaling $822.1 billion for the wars in Iraq and Afghanistan. After 7 years of war, the American people deserve an honest accounting of the cost of our involvement in our ongoing military operations.

Quoting from the President's letter of April of last year:

> We must break that recent tradition and include future military costs in the regular budget so that we have an honest, more accurate, and fiscally responsible estimate of Federal spending. And we should not label military costs as emergency funds so as to avoid our responsibility to abide by the spending limits set forth by the Congress.

The President emphasized, again quoting from his letter to the Speaker of the House:

> After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington.

I could not agree more. That is why I am disappointed to see yet another supplemental spending bill designated as an emergency without offsets. Dr. COBURN and I agree with what the President said last year. ''After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington.'' That is precisely what we are seeking to do with these two amendments.

In the past 2 years, America has faced her greatest fiscal challenges since the Great Depression. When the financial markets collapsed, it was the American taxpayer who came to the rescue of the banks and the big Wall Street firms. But who has come to the

rescue of the American taxpayer? Certainly not Congress.

So what has Congress done? By enacting inexplicable policies that can only be described as generational theft, we have saddled future generations with literally trillions of dollars of debt. Since January of 2009, we have been on a spending binge the likes of which this Nation has never seen. In that time, our debt has grown by over $2 trillion. We passed a $1.1 trillion stimulus bill.

Remember the assurance that unemployment would be at a maximum of 8 percent? Now it is 9.9. We passed a $2.5 trillion health care bill. The American people are still angry about that. The President submitted a budget for next year totaling $3.8 trillion. We now have a deficit of over $1.4 trillion, and we just passed, a week or so ago, the $13 trillion debt mark which amounts to more than $42,000 owed by every man, woman, and child in America.

This year the government will spend more than $3.6 trillion and will borrow 41 cents for every $1 it spends. Unemployment remains at 9.9 percent and, according to forbes.com, a record 2.8 million American households were threatened with foreclosure last year. That number is expected to rise to well over 3 million homes this year. With this bill, we are poised to tack another $60 billion onto the tab.

I travel a lot around my State. I know all of my colleagues do. Every place I go I meet county supervisors, city councilmen, mayors, elected officials from all over the State. I talk to the Governor, the legislature. They make tough decisions. The city of Phoenix had to cut its budget by some 30 percent last year, a very tough decision. Meanwhile, we increased domestic spending by 20 percent. What is the difference between the city of Phoenix and us in the Capitol? We print money. A debt of $1.4 trillion this year, estimated to be $1.5 trillion this year, how can we continue this?

These two amendments by Dr. COBURN can achieve a significant savings, $60 billion in each. That is $120 billion that both of these amendments could save the taxpayers. Wouldn't it be wonderful to show the taxpayers that maybe we are going to do something like cutting the budget, cutting our budgets? Wouldn't it be nice to tell the American people we are going to eliminate nonessential government travel? Couldn't we at least freeze bonuses?

We have an opportunity to show the American people we are going to tighten our belts a little bit, too; that we care about generational theft; that we care about future generations of Americans. I know some of these measures will not be popular, but Dr. COBURN has never been one who has tried to win a popularity contest. What Dr. COBURN has tried to do is steer the American people on a path to some kind of fiscal solvency so we can stop this terrible generational theft we are committing.

The greatness of America, certainly one of her greatest attributes, is we have handed on to every generation a better one than the one they had before them. That has been the great wonder and beauty of America. With these kinds of debts and deficits, what can we pass on to our children and grandchildren?

I applaud Senator COBURN not only for this effort but many of the other efforts he has made. I am pleased to join him. I hope my colleagues will understand that the American people are angry and frustrated. Look at the latest polling numbers—we do read polls. Do you want to reelect your Member of Congress? What is our approval rating? It is 14, 13, 12 percent. We are down to blood relatives and paid staffers. The point is, let's send a message to the American people we are serious.

Yes, there are tough decisions and tough things that are embodied in this legislation. I urge my colleagues to at least take a look at them and consider putting this Congress and this Nation on a different path.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I rise today to voice my support for H.R. 4899, the Fiscal Year 2010 Supplemental Appropriations Act. This bill is critical to our future success in Iraq, Afghanistan, and Pakistan and also delivers much needed humanitarian aid to Haiti. Today, I wish to highlight how some of the provisions in this legislation support U.S. foreign policy goals, strengthen our military and civilian efforts, and defend against security threats around the world.

This bill does a great deal to support our ongoing counterinsurgency effort in Afghanistan. As General McChrystal has said, counterinsurgency is not an ''event,'' but rather, a ''process,'' and this supplemental provides the essential resources needed at each stage of the process.

First, the military must ''shape and clear'' in a military operation. The President made the bold decision in December that an additional 30,000 troops were needed in Afghanistan, and this bill fully funds the additional deployment. As we saw earlier this year in Marjah and will witness this summer in Kandahar, the U.S. military is partnering with the Afghan security forces for the ''clear and hold'' portion of counterinsurgency, and I am pleased this bill provides $2.6 billion to train and equip the Afghan security forces.

Next we must ''build,'' which requires a unity of effort between the military and civilian agencies and which is why this bill provides $1.48 billion to the State Department for continued reconstruction and law enforcement programs. As I have stated before, our goal is to transfer authority to the Afghans. For this, we must continue to train and mentor the Afghan Army, police, and civil servants, so they may assume greater responsibility to provide security and effective governance themselves.

On a recent trip to Afghanistan in March, I saw firsthand the improvements that have been made with the Afghan National Army, ANA, training program. Thanks to a recent pay raise for ANA recruits and intensified partnering with U.S. forces, we are on track to exceed the stated goal of 134,000 trained ANA by October. The additional resources in this bill will help ensure we stay on this positive trajectory for ANA training and mobilization.

Unfortunately, the same progress has not been realized in training the Afghan National Police, ANP. A lack of oversight, coupled with high rates of attrition, drug use, illiteracy, and widespread corruption have severely undermined our efforts to establish a credible police force.

I was appalled—appalled does not describe it—I was appalled to learn we have spent $6 billion on training the ANP in the past 9 years, with little to show for it. I have been in literally 60 to 100 meetings—before my three trips to Afghanistan, in Afghanistan, and my trips back. I have yet to hear anyone say anything good about the Afghan national police. It was not until I got on the Homeland Security Subcommittee that I found out we were spending $6 billion to train them. I would have been shocked if I had heard we were spending $100 million to train them. However, this is key to our success in Afghanistan, and I believe the administration is now fully aware of the problems that have become endemic to this program and is focused on eliminating them in the months ahead.

Funding in this bill will support efforts to get police training back on track, which is one of the most critical elements of our strategy in Afghanistan.

This bill also does a great deal to reinforce our partnership with Pakistan. After traveling three times in the past year to Pakistan, I cannot underscore enough the importance and strategic value of this partnership to our shared fight against violent extremism. This resonates at home today in the wake of the failed Times Square bombing and Faisal Shahzad's alleged ties to Pakistani extremists in Waziristan. In light of mutual security interests, we must continue to nurture our relationship with the Pakistani people and military, demonstrating our enduring long-term interest in the region.

Last year, Congress validated that commitment in the form of a 5-year, $7.5 billion economic aid package, otherwise known as the Kerry-Lugar bill, and in the past 2 years, we have invested over $1 billion in military aid in the Pakistan counterinsurgency capability fund. This bill reaffirms these commitments with $259 million to support ongoing programs to strengthen democratic governance, rule of law,

and social and economic services to improve the lives of the people of Pakistan. Of the total, $10 million would be provided for the Pakistani Civilian Assistance Program, $5 million for human rights programs, and $1.5 million to facilitate the implementation and oversight of USAID and Department of State programs.

This bill also provides $50 million for the purchase of helicopters for Pakistan which will be used to combat terrorist groups and other extremist organizations. I am hopeful that this level of commitment will help persuade the Pakistanis to redouble their efforts to address security concerns along the border with Afghanistan. I cannot emphasize enough the importance of Pakistan's contribution to the security situation in the tribal areas, especially as it pertains to targeting the Afghan Taliban—not just the Pakistani Taliban—including the Haqqani Network and Quetta Shura.

This bill also helps ensure a stable and secure Iraq in preparation for the drawdown of United States forces and complete withdrawal of combat troops by September. During my recent visit to the region, I was struck by the helicopter view of Baghdad at night. The glimmering lights of the city and the traffic looked similar to any city in the U.S. That sight illustrated the progress that has been made in Iraq and the enduring mutual commitment and partnership that has been created in recent years. As a means of reinforcing this commitment and continued progress, this bill provides an additional $1 billion for the Iraqi security forces fund. It also provides $650 million in additional economic and security assistance for Iraq which includes $450 million for the Iraqi police program.

These measures support the security framework in Iraq, which will provide Iraq's leaders with the stability they need to form a new government. With the election recount recently completed, the groundwork has been laid for Iraqi elected officials to work toward a common goal of establishing a government representative of the people of Iraq. While a functioning government should not just be cobbled together in the interest of time, it is important to note that a prolonged delay could create a power vacuum that may exacerbate ongoing security concerns. This bill reinforces and continues to build upon the security infrastructure that the Iraqis have created, and the goal of building and sustaining past success.

Finally, I am grateful this bill includes $3 million for the Voice of America's Creole language broadcasting in Haiti. The VOA Creole broadcasts include public service announcements from U.S. Government agencies, which have been so valuable in previous crises around the world, and have helped Haitians find loved ones, shelter, medical assistance, and aid, in the aftermath of the earthquake.

Since then, it has provided a vital service in helping them to find essential resources and assistance. VOA runs public safety and relief supply updates, as well as a call-in line to broadcast messages from families and friends of the injured and missing. The additional resources in this bill will help to sustain these critical public services, and I commend the VOA for its commitment and its great contribution to disaster relief globally, and especially in Haiti.

This bill reinforces our foreign policy goals and secures our interests at home and abroad. It also funds our Armed Forces which are deployed in harm's way, and supports the civilian diplomatic and development initiatives that are necessary to our efforts in Afghanistan, Pakistan, and Iraq. I thank the leadership for moving this bill forward, and I call on my colleagues to join me in supporting this supplemental.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4231, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 4231 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to tell you that I concur in what I just heard——

The PRESIDING OFFICER. The Senator's request has not yet been agreed to.

Mr. COBURN. The modification has not?

The PRESIDING OFFICER. That is correct.

Mr. COBURN. There is an objection?

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, add the following:

TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS

SEC. 4001. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

SEC. 4002. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. 4003. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''§ 7381. Collection of unpaid taxes from employees of the Federal Government

''(a) DEFINITION.—For purposes of this section—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

''(2) the term 'Federal employee' means—

''(A) an employee, as defined by section 2105; and

''(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

''(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.''.

SEC. 4004. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of $4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

SEC. 4005. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.

(a) REDUCING DUPLICATION.—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the

relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(e) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. 4006. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of ''nonessential travel'' and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of ''nonessential travel''. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $5,000,000,000 annually.

SEC. 4007. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) RETURN OF UNEARNED BONUSES.—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 4008. ELIMINATING GOVERNMENT WASTE AND INEFFICIENCY.

Within 30 days after the date of enactment of this Act, the Energy Star program administered by the United States Environmental Protection Agency shall be terminated and no Federal tax rebates or tax credits related to the Energy Star program shall be any longer available.

SEC. 4009. STRIKING INCREASE IN FOREIGN AID FOR INTERNATIONAL ORGANIZATIONS.

Notwithstanding any other provision of this Act, the total amount appropriated under the heading ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES'' under the heading ''INTERNATIONAL ORGANIZATIONS'' under chapter 10 of title I of this Act is hereby reduced by $68,000,000 and no more than $28,500,000 may be made available by this section, *Provided That,* this section does not prohibit additional funds otherwise appropriated to be spent for emergency security in Haiti in accordance with law.

SEC. 4010. $1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than $1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. 4011. RETURNING EXCESSIVE FUNDS FROM AN UNNECESSARY, UNNEEDED, UNREQUESTED, DUPLICATIVE RESERVE FUND THAT MAY NEVER BE SPENT.

Notwithstanding any other provision of law, unobligated funds for the Women, Infants and Children special supplemental nutrition program appropriated and placed in reserve by Public Law 111–5 are rescinded.

SEC. 4012. STRIKING AN UNNECESSARY APPROPRIATION FOR SALARIES AND EXPENSES OF A GOVERNMENT COMMISSION.

Notwithstanding any other provision of this Act, no funds shall be appropriated or otherwise made available for salaries or any other expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21).

SEC. 4013. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsberg, Maryland, and any funding obligated for the facility by Public Law 111–5 are rescinded, *Provided That,* this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

Mr. COBURN. I thank the Chair.

I want to say I enjoyed very much Senator KAUFMAN's words, and I agree with him. I think what he talked about and what we are doing for our military in this bill is appropriate. It is something that has to be done. The only difference I would have with him is it is not an emergency. We all know it is not an emergency. The reason it is being classified as an emergency is because we do not want to make the hard choices of getting rid of something else to pay for it, and we do not want to have another violation of pay-go, so what we do is we classify it as an emergency.

The only thing in this bill that is an emergency is the FEMA money. That is the only thing that meets the definition of our own rules for an emergency: unforeseen, unpredictable, and unanticipated. Everything else in this bill is predictable, foreseen, and anticipated. So we are actually violating our own integrity when we bring a bill to the floor and call it an emergency when everybody knows it is not.

Why are we doing that? We are doing that because we do not want to have to live with the rule we set for ourselves called pay-go. I did not vote for pay-go. I do not believe in pay-go because pay-go is exactly what I said it would be when we had the vote. The American taxpayer, you go pay, and we will go spend, and we will not diminish any of our spending, our profligate spending, because of this rule.

Since we have passed the bill on pay-go on February 12 of 2010—that is when it was signed into law—we have borrowed $46 billion and waived pay-go;

borrowed $10 billion and waived pay-go; borrowed $99 billion and waived pay-go—that was all in March. We borrowed $18 billion.

This one is not going to count against pay-go because we put a false emergency designation on it, and we have another $190 billion coming to us from the House for extenders, and we are going to waive pay-go on that. So we will have spent $530 billion since February 12 that we do not have, and we refuse to make choices about lower priority programs and eliminating them. That is the truth. Nobody is going to dispute it. You cannot even get anybody to debate you on these things. They will not debate you because they know it is the fact. They will not stand and even counter it because they know it is the fact.

Well, what are the other facts? Here are the other facts: FEMA is broke. Medicare is broke. Medicaid is broke. Fannie and Freddie are broke. Social Security is broke. It is running a negative balance. The U.S. Post Office is broke. The highway trust fund is broke. And guess what. So is the Federal Government. If we are not careful, we are going to add our kids to the list and say they are broke. That is where we are headed: broke. That means our liabilities are greater than our assets. That means the money we have is not sufficient to cover the debts we have.

We have seen this tremendous volatility in the markets over the last 2 weeks. They are upset because they are not sure there is a stable Euro right now. The Euro has dropped from $1.43 in the last 4 months to $1.22. That is a significant decline in that currency. Why is that? Because there is no confidence they are going to be able to solve their problems of being broke, because they are not making the hard choices among priorities that are necessary for them to get out of the problems they face. And we are just starting to see a backstop and IMF demands of Greece—and you are going to see it of many others—that they are going to have to make certain cuts in spending.

We have a couple of choices. We can wait 2 or 3 years, when we are in the same shape, to where the world currency and the world bankers are demanding of us that we make those hard choices or we can start making them now when they are a lot less expensive and a lot less costly.

I know the amendments we have offered have been sent to CBO, and CBO is saying—which tells us another entire problem we have—they cannot score a freeze in Federal salaries. Well, we know it is going to go up $3.1 billion next year if we do not score it, but CBO will not score it. We know regardless of the significant increase we had in our own budgets—4.6 percent—I have averaged turning back more than 400,000 a year. Everybody in this Congress, everybody in this Senate, could do that easily if they wanted to. We have offered $100 million in cuts to our own budgets. That is where we ought to start. If we are going to set an example, we ought to start with our own budget. CBO will not score that either.

Why won't they score it? We are clueless to what the real world is about in terms of spending and budgets. We cannot get a score even though the direction in the amendment is to sell off $15 billion in unused properties and physical plants that we know we do not use that cost us $8 billion a year to maintain. CBO is not going to score that either—so that is not going to be scored as savings—and rescinding unspent and uncommitted Federal funds, of which there is over $350 billion sitting in the bank right now that is unobligated. I am not talking about obligated funds. I am talking about unobligated funds, which says we are going to manage our money better. We are going to make it stream. We are not going to let it sit there for so long. We are not going to borrow the money. We are going to borrow it more on a time-as-needed basis, and we are not going to have as much money sitting in unobligated funds.

We are going to have criticism against our first amendment because CBO does not score it. Do you know what. CBO's accuracy is about as good as mine at throwing a baseball: not very good. I cannot hit the strike zone, and neither do they. That does not mean anything against them because we are giving them lots of unknowns. But we have also set up a set of rules that are designed to not give us what we need to have: the real information. No business, no family operates their budgets with such loose rules.

Where are we going? Here is where we are going right now. This chart shows discretionary spending in the United States since 1999. In 2010—and this is in real dollars; this is not inflation-adjusted dollars; it would not look quite as bad if it were in inflation-adjusted dollars—but we are going from $572 billion to $1.408 trillion. And do you know what. That does not count any of the spending—any of the spending—the $500 billion we are going to pass outside of pay-go. It does not count any of it.

So in a time when our country owes $13 trillion—it is going to over $26 trillion in 9 years; that is the path we are on—we are increasing spending, and we are not paying for any of it. We are not making one hard choice. One of the few things that is paid for in this bill continues to fund a commission we do not even need because we just passed the financial reform bill, and yet we are going to spend $1.8 million on the Financial Inquiry Commission. Why would we do that? You talk about throwing money down a rat hole. Why has the commission continued to meet? We have already decided in all our knowledge and all our wisdom we knew how to fix it, even though we did not even fix the underlying causes for the real collapse: Fannie Mae and Freddie Mac. We did not address it at all. We did not address leverage ratios.

That is where we are going: $1.4 trillion this year, not counting everything we are passing out of here that is not paid for. What does it mean? We heard Senator MCCAIN talk about generational theft. Here is the face of it. Here is little Miss Madeline. When I first put this picture up in the Chamber less than 7 months ago, it was $38,000. It is now $42,000 per man, woman, and child in this country. That is what they owe individually on our net debt. That is not our gross debt; that is our net debt. The $13 trillion does not represent our real debt. That only represents what we owe outside. It does not represent what we owe ourselves.

So she is at $42,000. Extrapolate the increase from $38,000 to $42,000 every 6 months and see what you get. What you get 20 years from now—if you include unfunded liabilities—Madeline, when she is 24, will owe $1,113,000. That is what she is going to be responsible for. So when we hear somebody talk about generational theft, what they are talking about is robbing opportunity.

If you had a 6-percent interest rate on $1,113,000, it is not hard to figure out that is $66,000 a year in interest that Madeline is going to have to pay before she pays any taxes to run the government, defend the country, pay for Medicare for me and the rest of the people in this room, before she owns a home, before she educates her kids. It is thievery.

How hard is it? How hard is it in a $3 trillion budget for us to find the money—find the money—to pay for this war? How hard is it? It is only as hard as we make it. We are risk averse. We do not want to be criticized because some program that had somebody who was for it is not going to be there anymore. We are going to do it. We are going to eliminate those programs. I can promise you we are. The question is when we are going to do it, and how drastic it is going to be, and who is going to make us do it. If we do not do it ourselves, then the priorities are not going to be the priorities of the body. They are going to be the priorities of the world bankers. That is who is going to do it. We are going to do this. We are going to cut spending. The question is, Do we do it now and make it less painful or do we wait until we are forced into it like the Greeks?

I think our history, I think our culture, and I think our children are worth us starting to make those kinds of difficult decisions. It is my hope we will give consideration—I do not care what combination of cuts we make. I just offered some. I am willing for the appropriators to make the cuts. But we no longer live in a time when we can borrow from the future of our children to pay for now. It has to start. I would ask my colleagues to support that start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to discuss a huge challenge in the State of Oregon—specifically, a

drought that is affecting the southern Klamath Basin. This is an area that had a terrible drought in 1992. This drought set everyone in this basin against each other. How do you allocate those few precious drops of water between the river and the lake and the irrigation, the fish, the farmers?

It is terribly tough when it doesn't rain. It so happens that this year, the water that has come into the lake is lower than at any time the water levels have been recorded and lower by very significant amounts. So this isn't just a shortfall of rain below the average or a modest few weeks without precipitation; this is the worst drought in the Klamath Basin in recorded history. That is why it has received status as a Federal disaster. The Governor of Oregon wrote on March 16 and on April 5 requesting a disaster designation for Klamath County, OR, due to the losses caused by the ongoing drought and related disasters, and the Department of Agriculture assessed that and issued that disaster declaration. There are well over 1,000 families—about 1,400 families—who farm the Klamath Basin and about 200,000 acres of land in that very productive region.

As we have immersed ourselves in discussions with the Secretary of Agriculture and the Secretary of the Interior, there are a couple key strategies that can be pursued to prevent what is a terrible situation right now from being an utter and total disaster by August and September. Those strategies are pumping ground water, which is quite expensive due to the power needs, and idling land—asking some farmers who have water rights to set aside their rights for modest payments, and by modest, meaning less than $200 an acre for highly fertile ground. But that greatly reduces the size of this disaster to the community.

I applaud the hard work the Secretary of Agriculture and the Secretary of the Interior have done. They have worked to reprogram, to make those modest changes so they are allowed to free up a small amount of funds, a modest amount of funds. But to really address this situation, to idle basically what amounts to a fourth of that land, would take $10 million.

I have an amendment filed, amendment No. 4251, that I hope will have a chance to be brought up and considered later on because we are addressing some major disasters around the country in this appropriations legislation, and it is certainly appropriate, when you have a declared Federal disaster in my State, to have this modest amount of money, in comparison to the other requests, receive consideration for the community.

I note that Senator WYDEN from Oregon and Senator BOXER and Senator FEINSTEIN are very supportive and cosponsors because this Klamath Basin is on the boundary between Oregon and California, so there is territory within both States that is affected by this disaster and would be assisted by this revenue.

So I will wrap up my remarks to give an opportunity for others to take the floor, but I do ask my colleagues: We have a federally declared disaster in Oregon that needs a modest amount of help, and I ask for the opportunity to have this request duly considered by this body as this debate progresses.

Thank you, Mr. President.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise to speak on some of the amendments before the Senate that I understand will be considered and coming up for some votes. To me, they are misguided efforts as it relates to how we ultimately deal with our immigration policy in this country; how we deal with the questions of national security, of our economy, of our well-being.

I have joined in supporting and take a backseat to no one in our efforts to secure the borders of the United States. However, the militarizing of the border is something I clearly do not believe is in our collective interests.

Now, Senators CORNYN, KYL, and MCCAIN seek to offer border enforcement amendments to the supplemental we are debating, but these amendments are, in my mind, merely an opportunity to grandstand instead of solving the country's real immigration problems.

These amendments would deplete critical stimulus funds that are greatly needed to support a recovering economy. It is an economy that recovers that ultimately generates the revenues to fund some of the very initiatives we would like to see. It is important to realize that many of the remaining stimulus funds—much of the funding is for mandatory programs. These are programs we must pay for under current law, such as unemployment insurance, food stamps, FMAP, to mention a few.

Furthermore, there seems to be a sense of amnesia here. We have already poured billions of dollars into border enforcement this year, more than under the last Republican-controlled Congress. Over the last 3 years alone, the Democratic Congress has increased U.S. Customs and Border Protection funding by over 23 percent, from $8 billion to about $10 billion. We have added an extra $1 billion for border infrastructure and security activities as part of the American Recovery and Reinvestment Act of 2009.

Funding for border security in the last 10 years has increased substantially, with a 127-percent increase for Customs and Border Patrol inspections, a 160-percent increase for border control, and a monstrous 1,737-percent increase for construction and technology purposes—1,737 percent for construction and technology purposes.

These investments have fully funded over 20,000 Border Patrol agents—an increase of 6,000 agents or more than 50 percent since 2006. This increase was at a total cost of over $3.5 billion this year. We have doubled the number of Border Patrol agents in a 5-year period, and the Border Patrol is better staffed and funded than at any time in its 85-year history.

We completed the southwest border fence, with over 645 miles now under effective control compared to 241 miles in fiscal year 2005. Over the last 3 years, the Democratic-controlled Congress has invested $1.2 billion to complete the fence—20 percent more than the Republican Congress provided for that effort.

We have financed advanced new border control technologies including cameras, radars, sensors, and command and control systems to help the Border Patrol continuously monitor the border. Democrats in Congress provided $421 million—more than four times what the Republican Congress provided—for these tools and required a high standard of oversight and accountability to ensure these advanced technologies would prove to be robust, reliable, and true force multipliers. We have funded three new Predator-B unmanned aerial vehicles for long-duration aerial surveillance of the areas between official ports of entry.

Customs and Border Patrol air and marine division manages the largest law enforcement air force in the world with 284 aircraft, including six Predator aircraft patrolling the Nation's land and sea borders to stop terrorists and drug smugglers before they enter the United States.

Since 2008, a Democratic-controlled Congress has provided $323 million—more than five times the amount previously provided by Republicans—for the Unique Identity Initiative under the US–VISIT Program. Democrats have also doubled funding—from $15 million in 2008 to $31 million in 2010—for the US–VISIT effort to review biographic, travel, and biometric information of foreign visitors to the United States.

The Border Patrol is not the only Federal agency at the border. In Arizona alone, there are more than 6,000 Federal law enforcement agents—the majority employed by the Border Patrol—representing nearly 10 agents for every mile of international line between Arizona and Sonora, Mexico.

The legions of Border Patrol agents are supported by thousands of Federal agents from a wide spectrum of agencies, including several thousand Immigration and Customs Enforcement agents; 1,180 DEA agents; 1,212 air and marine officers; 6,235 Alcohol, Tobacco, and Firearms agents; 1,419 canine enforcement teams; 280 horse patrols; 208

narcotics detection teams; 32 currency detection teams; 212 narcotics-human smuggling detection teams; and 4 DEA mobile enforcement teams.

The number of Border Patrol agents has increased so rapidly there aren't even enough supervisors to effectively train new agents. The GAO found that the agency's ratio of agents to supervisors went from the normal 5 to 1 to 11 to 1.

In addition to these border enforcement increases, the democratically controlled Congress has increased ICE's budget 37 percent since 2007, the last year of a Republican majority in the Congress, and restructured the agency's budget to target aliens with dangerous criminal convictions and those who pose the greatest threat to America and Americans.

In the last 10 years, funding for immigration, customs, detention, and removal has increased by 170 percent. Over the last 16 months, the administration's comprehensive plan to secure the southwest border has resulted in record seizures of illegal weapons and bulk cash transiting from the United States to Mexico, significant seizures of illegal drugs heading into the United States, lower violent crime rates in southwest border States, and reduced illegal immigration.

Republicans now say we must pour more money into border security before we can address this issue comprehensively—more than everything I have already stated—but that has not always been their position. Let me read you a quote regarding border enforcement:

> Despite an increase in border patrol agents from 3,600 to 10,000, despite quintupling the border patrol budget, despite the employment of new technologies and tactics, all to enforce current immigration laws, illegal immigration drastically increased during the 1990s. While strengthening border security is an essential component of national security, it must also be accompanied by immigration reforms. As long as there are jobs available in this country for people who live in poverty and hopelessness in other countries, these people will risk their lives to cross our borders, no matter how formidable the barriers, and most will be successful.

I ask you, who made the statement against border security policies and in favor of comprehensive immigration reform? It was our colleague from Arizona, Senator MCCAIN, on March 30, 2006.

Here is another quote:

> For those who say let's just enforce our laws, I remind them that some of our laws are unenforceable. My conservative friends are the first ones to point out that the 1986 law is not an effective law. It is unenforceable. And until we change it, we are not going to be able to just enforce the laws.

That was our colleague from Arizona, JOHN KYL, in 2007.

I could go on and on about the comments made in the past. I agree in those respects with Senator MCCAIN's and Senator KYL's past statements that we certainly need comprehensive immigration reform to achieve the goal of reestablishing the rule of law and fixing our broken immigration system.

Even former Bush administration Secretary of Homeland Security Tom Ridge wrote in a 2006 op-ed that gaining ''operational control of the borders is impossible, unless our efforts are coupled with a robust temporary guest worker program and a means to entice those now working illegally out of the shadows into some type of legal status.''

Now, ''border security first'' has been the strategy used by the Congress and the Federal Government for the past 17 years. My understanding of the definition of insanity is to keep doing the same thing, do more of it, and get the same result. That is a recipe for failure.

Several of my colleagues and I have put forward an immigration framework as an invitation to our Republican colleagues to join us in something that is critical to the national security of the United States, critical to the economy of the United States, and critical so that American citizens and legal permanent residents do not face what they are facing. I have over 200 cases of U.S. citizens and legal permanent residents of the United States—people who obey the law, follow the rules and the process, are here legally—who have been unlawfully detained in violation of their constitutional rights. In some cases, American citizens have been detained for months before their citizenship was established.

Who among us in this Chamber is willing to accept second-class citizenship simply because of the happenstance of who they are, what they look like, what their accent may be, or the happenstance of where they happen to reside? But that has happened to U.S. citizens and legal permanent residents. Then we have laws that exacerbate those possibilities of expanding. I do not accept that any citizen of the United States is a second-class citizen of this country.

Our national security, our framework, incorporates many of our Republican colleagues' ideas. It makes for an even more robust border enforcement process, in a way that deals with national security. The framework includes increases in Border Patrol and technology.

At the same time, we can never have national security if we don't know who is here to pursue the American dream versus who might be here to do it damage. Unless we bring millions of people out of the darkness into the light and find out why they are here, what is their purpose, and do a criminal background check on them and make them law-abiding insofar as they will be able to contribute to the national good, pay taxes, go through the background check, and learn English, and after a long set of years have an opportunity to adjust their status in this country, millions will be in the shadows, and we have no idea if they are here to pursue the American dream or to do it harm.

By having people come forth as the law, as we suggest, becomes reality and being able to register in a temporary status, we bring people out of the darkness into the light. We create an opportunity to do criminal background checks to make sure they have been in other respects law-abiding and that they are here to pursue the dreams that millions of immigrants who came to this country and contributed to the vitality of this Nation have enormously.

But we will never know who is here to pursue that dream versus who is here to do it harm if they stay in the shadows. That is not in the interest of the national security of the United States.

The reaction to the Arizona law illustrates that Latinos, Asians, and others do not believe they are second-class citizens in this country. I have nothing in my possession that presents that I am a U.S. citizen, even though I was born in the great city of New York. I have nothing that ultimately says that I am such. I don't carry my birth certificate or my passport around with me. In essence, I was born here, but if I want to travel to another State that says that simple lawful contact with a citizen—well, lawful contact with a citizen is a police officer on foot patrol who comes up to a group of citizens; lawful contact with a citizen is a patrol car that comes up to a group of day laborers on a corner; lawful contact is anywhere a police officer might well be in contact with any citizen. Now the idea that, well, this person gives me reason to suspect that somehow they are here in an undocumented fashion—and that process, even before the Arizona law, has led to U.S. citizens and legal permanent residents being unlawfully detained in the United States. I guess until it happens to one of us, we don't quite feel the same way. But I believe any citizen in this country is not a second-class citizen.

I am also worried when one group of people in our country becomes a suspect class—when one group of people is blamed for all the ills of the Nation. History teaches us when that happens, it has a very sad ending. It has a very sad and dangerous ending. We cannot let that happen in the United States of America. It is not who we are as a people. It is not who we are as a nation.

I believe there is much that hopefully will be in common. We believe jointly that the national security of the United States is about controlling and protecting our borders, but how we do it is going to be very important. It is about the national economy of this country because, I just have to be honest with you, we have to be honest with what elements of our economy—even in this challenging economy, elements of our economy that are done by immigrant workers.

If you had breakfast this morning and you had fruit, it was probably picked by the bent back of an immigrant worker. If you had chicken for

dinner last night, it was probably plucked by the cut-up hands of an immigrant worker. If you slept in one of the hotels or motels of the byways of our cities, it was probably cleaned by the hands of an immigrant worker. If you have a loved one who is infirm, probably their daily needs are being taken care of by the steady hand and warm heart of an immigrant worker.

I could go on and on. I believe this is also about our national economy. For so long as we permit a subclass to be exploited in an economy it hurts the wages of all others in an economy, and only bringing them out of the darkness and into the light will create a better circumstance in which we will not have such exploitation.

I do this all by way of background that says if the amendments that are now going to be proceeded on—the Cornyn amendment and the Kyl second degree—pour billions into perpetuating an inadequate strategy that would not solve the problem, dumping $1.9 billion in additional personnel, technology, and resources along the border, when in fact we have a set of circumstances where that has shown itself time and time again not to have been the successful strategy.

It is interesting that some of the State and local grant programs for border security have led to a misuse of funds and costly litigation. The Arizona Daily Star investigation found that funding for State and local grant programs was used to compensate officer time for issuing traffic citations, crowd control at parades and soccer games, attending a funeral, monitoring gun shows, and responding to calls about loud music. That isn't about border enforcement.

The McCain amendment appropriates $250 million, offset with Recovery Act funds. Deployments would be required to start within 72 hours of passage and last until the Department of Defense and Department of Homeland Security certify they have operational control of the border. This amendment would place a significant burden on National Guard troops who are already overburdened and interfere with the President's authority to deploy troops. We are already using the National Guard in unprecedented ways in deployments abroad. The President's authority is affected. I know the administration strongly opposes it.

General Jones, the National Security Adviser; John Brennan, Assistant to the President for Homeland Security and Counterterrorism said in an attached letter to Senator LEVIN:

> There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by the amendment. It represents an unwarranted interference with the Commander-in-Chief's responsibilities to direct the employment of our Armed Forces.

It would also interfere with the administration's comprehensive border security plan.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MENENDEZ. For all of these reasons, I am in strong opposition to these amendments. I certainly urge their defeat. We are going to send billions more after billions that have already been sent to accomplish the same negative result, and your own words speak to the very essence of how we get to a solution, which is to pursue a comprehensive nature to this reality.

If you want to ensure a continuing set of circumstances in which law enforcement turns U.S. citizens into second-class citizens, then vote for the amendments. But otherwise, you should oppose them.

I will be happy to yield.

Mr. DURBIN. I ask through the Chair, both the McCain amendment and the Cornyn amendment appear to be paid for out of funds that have already been allocated for creating new jobs in America—the stimulus funds we have voted for. If they are successful in these amendments, they would be reducing the funds that are being used to hire people in New Jersey, Illinois, Minnesota, and other places to go to work. Is that the way the Senator from New Jersey sees it?

Mr. MENENDEZ. Yes. The Senator is correct. In addition, some of the funding they take is from already mandated programs, programs that are critical to citizens and communities and States, and they would, in essence, detract from those mandated programs for which there is a Federal obligation to move it in this direction, at the same time decreasing the job opportunities at a time in which we are trying to grow this economy, not contract it.

Mr. DURBIN. I ask through the Chair, if the Senator will yield further, do I understand the statement that was sent by the administration, the National Security Adviser, that the McCain amendment would circumvent the power of the President to deploy troops in the United States in the manner sought by this amendment, an unwarranted interference with the Commander in Chief's responsibility for the direct deployment of our Armed Forces? And this McCain amendment by Senator JOHN MCCAIN—I kind of recall speeches from the other side of the aisle about the right of the Commander in Chief, the power of the President—this McCain amendment would spend $250 million and allocate 6,000 National Guard troops to start within 72 hours, a mobilization within 72 hours of troops to the border. Is that the way the Senator from New Jersey reads this amendment?

Mr. MENENDEZ. The Senator from Illinois is correct. As a matter of fact, the same letter he read from General Jones, the National Security Adviser, and John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, said:

> There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by that amendment.

Mr. DURBIN. If the Senator will further yield for a question, it would seem, since two of these three amendments are emanating from the State of Arizona, there is a free-for-all in Arizona to think of more extreme ways to respond to what they consider to be a political situation there, from the passage of the legislation—and I concur with the analysis of the Senator from New Jersey of it—and now $2¼ billion dollars to be sent down for other—I am sorry, that includes the Cornyn amendment, the Senator from Texas. It is $200 million for Senator KYL—let's say $450 million between Senators MCCAIN and KYL, money to be sent into this Arizona situation.

I wonder if we shouldn't declare a time out in Arizona for at least some thoughtful reflection about what works and what doesn't. It seems there is no end to ideas that are being propounded down there to respond to situations real and imagined. These amendments are clear evidence.

I don't know if the Senator from New Jersey sees it the same way.

Mr. MENENDEZ. I appreciate the question and view of the Senator from Illinois. Yes, that is why I said I respect the previous positions Senator MCCAIN had. He understood that you cannot solve this problem by throwing more money, more troops at it. At the end of the day, that has not achieved all the goals, despite enormous increases. And yet there are still challenges.

In view of the fact the President himself—something I personally don't support but nonetheless has gone ahead and made a deployment on his own, it seems to me we should see what works before we advance billions for efforts and directing troops by an amendment when those troops could be needed for a whole host of things.

I have to be honest with you. If we are going to start directing troops, then I wish to see them directed to the gulf so, in fact, we can help out with the oilspill not getting into critical wetlands and estuaries. I think that is a national emergency.

Mr. DURBIN. I ask through the Chair one last question. I don't know what the situation is with the New Jersey Guard, but many of the Illinois Guard have been deployed and redeployed in Iraq and Afghanistan at great inconvenience and hardship to their families. The McCain amendment calls for deployment within 72 hours. People will literally be removed from their families and on the road headed down to Arizona within 72 hours under the McCain amendment.

I ask the Senator if he has dealt with these Guard families and has any idea what impact this might have on their lives.

Mr. MENENDEZ. I appreciate the Senator's question. The fact is, as I mentioned earlier in my comments, we have used the National Guard in an unprecedented way. They have been called for deployment abroad, both in Iraq and Afghanistan, and elsewhere in unprecedented numbers. The stress we

have created on the force by virtue of these two continuing engagements, as well as any other national emergency that might occur, is incredibly challenging. It is real challenging to those forces. My view is the Senator is right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, may I engage in a colloquy with my friend from Wyoming for 1 minute?

Mr. BARRASSO. Yes.

Mr. McCAIN. I understand the Senator from Illinois was talking about Arizona and the border. I wonder if the Senator from Illinois has ever been to the Arizona border. He has?

Mr. DURBIN. Is that a question to me?

Mr. McCAIN. Yes.

Mr. DURBIN. I don't know if it is proper. But, yes, I have been to Nogales and both sides of the border.

Mr. McCAIN. It is pronounced Nogales.

Mr. DURBIN. Yes, I have been there, on both sides of the border. You are always welcome to come to Illinois, too.

Mr. McCAIN. And I have been there many times. It is obvious the Senator from Illinois, even though he has been there, has no conception of what the people who live in southern Arizona are suffering under with hundreds of thousands of illegal immigrants and human smugglers and drug smuggling going through our State.

I am glad he is such an expert—he and the Senator from New Jersey—on the issue of the terrible problems that afflict our State and our need to try to get our borders secure, which every citizen has the right to expect.

I thank my colleague for yielding.

TRIBUTE TO SHAWN WHITMAN

Mr. BARRASSO. Mr. President, it is with great pride as well as regret that I rise today in the Senate to recognize a great son of the State of Wyoming. He is my chief of staff, Shawn Whitman. He joins me today on the Senate floor. Shawn is leaving the Senate this month after a consummate career working for our State and for our country.

Many in the Senate know Shawn. To know him is to like him. He was the chief of staff for our late Senator Craig Thomas. For nearly 3 years, he has continued in that role serving me. In all of that time, he has demonstrated what it means to be a loyal and trusted adviser, a superior manager, and a terrific friend.

I know that all in the Senate will want to join me in wishing Shawn well and to thank his wife Kristen and his two daughters, Lauren and Katherine, for sharing their dad with us. All of us are sorry to see him go, and we will miss him.

Shawn has actually served three different Wyoming Senators. He began in 1994 right after he graduated from the University of Wyoming. He came to work as an intern for Senator Al Simpson. Later he joined Senator Thomas's staff and filled just about every role, every position that a congressional office can have. He was actually a receptionist. He was a press intern. He was a staff assistant. He was legislative correspondent, legislative assistant, senior legislative assistant, legislative director, and finally chief of staff.

It is the example of Shawn's career path that defines the character of who he is. He completed every task, whatever was asked of him, equally well. He brought enthusiasm, smarts, and good humor to every job from the front desk to the corner office.

It is his willingness to do whatever is needed and to take on any task. That is what makes him so valuable and such a great friend.

Shawn was truly tested. In June of 2007, Wyoming lost a great friend when we lost Senator Craig Thomas. As some of my colleagues know, after Senator Thomas's passing, Shawn led the staff alone. He kept them together in serving the people of Wyoming, even while the Senate seat remained empty.

In the face of this extraordinary challenge, at a time of great sorrow for our State, Shawn continued to lead. Despite his own sorrow and his own grieving, he led others. Shawn showed grace and confidence through it all.

Perhaps it was his early years working the family ranch outside Laramie, WY, that made him so tough. It is his sense of duty, once again doing the job that needed to be done and completing the task, any task that was required.

It was my good fortune to inherit Shawn Whitman. We hardly knew each other when I was sworn into the Senate. It did not take me long to understand his value and to appreciate—fully appreciate—his indispensable leadership.

President Eisenhower once talked about the many jobs he had throughout his private career, his military career, and finally as President. He said his goal was, whenever he was leaving a job, the people there were sorry to see him go. Shawn Whitman personifies that. Everyone in our office—everyone—is sorry to see him go. All who have had the pleasure and the privilege to know Shawn Whitman in the Senate will miss him as he starts a new chapter in his life.

Shawn leaves the Senate with a wonderful reputation—a reputation for integrity and a reputation for leadership, and not just for Wyoming but for the entire Senate, as Shawn led not just my office, but he also led the organization of the Senate chiefs of staff. He was the chief of all the chiefs.

Shawn has been a trusted adviser, manager, a confidante, and a friend to me and to my wife Bobbi. His service has been invaluable.

While I am losing a very important member of my staff, I know I will not be losing his friendship, his advice, and his counsel for the future.

It is here today on the Senate floor that I say: Thank you, Shawn. Thank you for your service to the Senate, to the country and, most importantly, to the people of Wyoming. I wish you well in all you do.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEMIEUX. 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.

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. LEMIEUX. Mr. President, I come to the floor today to talk about an issue that is of great concern to my State of Florida, as well as to all the Gulf States—in fact, to the entire United States of America—and that is this ongoing spill disaster in the Gulf of Mexico.

It has been a month since the time this spill started, and the oil continues to flow out of the bottom of the Gulf of Mexico at a rate that has not yet been determined but appears to be thousands of gallons a day. We see those pictures on television now of the flow, and despite the efforts to siphon off some of that oil, more and more enters the Gulf of Mexico. It does so despite attempts by British Petroleum and others in the unified command to stop this flow of oil.

We are now on the fourth or fifth possible solution to cap the well. In fact, they are going to try to cap the well tonight. I believe, as we get on to each of these solutions, they are less and less likely to succeed. So as ADM Thad Allen, who is the incident commander, the admiral in charge of the Coast Guard, told us at his briefing just 2 days ago, we are unlikely to see this oil stop spilling into the gulf until the relief wells are drilled, and fully drilled, which could be as late as August. It could be later. What does that mean? That means this oilspill, which is now stretching over miles and miles in the gulf, is only going to get bigger. What we see on the surface may not be the extent of the spill. The plume of oil underneath may be far worse.

In the wake of this tragedy, I sent a letter to British Petroleum's CEO, Tony Hayward, and I requested that BP set aside $1 billion so that the five Gulf States would have that money available today to help stop the oil from reaching our shores and to mitigate the damage once it did. The response I received in a letter yesterday, although it wasn't this emphatic, was no.

They have given some money to the Gulf States. My home State of Florida

has received about $50 million, which is appreciated, but it is not going to be near enough if and when this oil comes ashore in Florida. Where will the oil come ashore? Will it be in the panhandle or western Florida? Will it be in Tampa Bay? Naples? Will it get into the Loop Current and go into the Florida Keys, the Florida Bay, Ten Thousand Islands, and run up the eastern side of the United States, up past Miami, Fort Lauderdale, or Palm Beach? We just don't know. But if and when this oil does come ashore in Florida, it will be a disaster. Right now, it is not there, as far as we know. Right now, those beaches are still pristine. Right now, we continue to welcome people to Florida to come and visit, to come and fish and do all the things they would normally do on vacation. Florida is open for business. But we cannot sit around and wait for the oil to come.

I am very concerned not only about the failure of British Petroleum to stop this oil from leaking, but I am concerned at the efforts that have been taken by this administration. I don't mean to say this in a partisan way because it could have been another administration that was on watch when this happened, and certainly the problems we have go back beyond the time of this administration. But I think it is fair to say, having looked at this now for a month's time, that where we are today is not acceptable. It is not acceptable that oil is washing up on the shore, on the beaches of Louisiana and into their marshes. That is not acceptable. That is a failure—a failure of the administration, a failure of our government, a failure of British Petroleum. And I don't want to be there when the oil washes up on the shore in Mississippi, Alabama, in Florida, or Texas, for that matter.

The question I have is, What is the plan? What is the plan of our government, since British Petroleum can't solve this problem on its own? What is the plan to stop the oil from coming ashore? What are we doing now besides relying upon British Petroleum to drill these relief wells?

There have been proposals that have come to the floor offered by my colleague from New Jersey and my colleague from Florida and others on the Democratic side to set up $10 billion—to raise the cap on compensation claims from the current law, which only allows for $75 million. Senators VITTER, myself, MURKOWSKI, and others have a similar but different bill that would have an expedited compensation process which would not go to a $10 billion cap but, instead, look to the profits of the company, which in this case would move the cap up to about $20 billion.

A lot of times partisanship rules the day in the Senate. This should not be one of them. Our differences are not so great that we should not be able to bridge them and come to a resolution.

Senator MENENDEZ has offered his amendment and asked unanimous consent that it be brought up. It has been objected to, and I understand the reasons why. Senator VITTER has offered up his and my proposal. It has been objected to by Democrats.

We should be able to get past this and figure out a solution. We believe our proposal is better. We believe it is better because if you set it at $10 billion, you are only going to allow two or three oil companies in the world to exist. You will potentially put all the rest out of business. Under our proposal, more than $10 billion will be recovered from BP for this incident and still let other companies participate. Plus, by having the claims process go forward now, we could get relief to people who need it.

I think it is a better proposal. But that is a question worthy of debate, and we should be able to come to consensus on that and not have a partisan play on it.

I want to talk a minute about the Minerals Management Service. These are the folks within the Department of the Interior who are charged with overseeing drilling. By anybody's account, what they have done is a failure. We see the administration is now breaking them up into two separate units under the Department of the Interior. That may be fine going forward, but let's look back.

A report recently released by the inspector general of the Department of the Interior suggests a culture of corruption littered with several shocking conflicts of interest and professional malfeasance at the Minerals Management Service.

Among the findings, the report suggests the employees regularly accepted gifts from those they were charged to oversee; that there was a revolving door of employment in which regulators took jobs in the oil industry over which they had previously held regulatory authority; and it even suggests the oil industry officials were allowed to fill out safety oversight forms in pencil only to have the MMS employees trace over them in pen. This is not acceptable, to say the least. There is an apparent and obvious lack of oversight.

It would seem that the response to the spill itself certainly should have been more effective. I want to point this Chamber to an April 29, 2010, story by the Mobile Press-Register where it says that Federal officials, including former NOAA oil response coordinators, had a 1994 plan to respond to oilspills in the Gulf of Mexico, such as the one we are experiencing today. The former NOAA oilspill response coordinator, Ron Gouget, has said a plan was in place to immediately begin—in situ, which is a fancy word for in place or on location—oil burning. Yet it took more than 1 week for officials to conduct a test burn.

Why is that important? If there were a plan that was in place to burn the oil as soon as it came out of the wellhead, we might have been able to stop this vast plume and expansion of oil over the Gulf of Mexico. We might have been able to stop the oil from washing ashore in Louisiana and potentially washing ashore in Texas, Mississippi, and Florida.

Why do you have to burn early? You have to burn early, as was explained to me by the Coast Guard when, about 2 weeks ago, I flew over the wellhead and saw the oil and the tar floating on the top of the Gulf of Mexico, you have to burn early because if the oil mixes with the water it loses its ability to be flammable. So the plan, if this report from the Mobile Register is right, was correct that you have to burn immediately in order to have the largest effect.

The plan called for multiple fire booms. This is the booming, the material that you see that, hopefully, keeps the oil from spilling onto our shores. There is also something called fire booming or fire booms, which is what you put around the area you are burning in order to contain the fire. The plan called for multiple fire booms to be available and deployed to deal with a spill of this magnitude. But Federal officials instead had no booms on hand and had to go out and locate fire booms in the private sector, purchase it, and then transport it to the gulf region.

Mr. Gouget, who is the former oil response coordinator, believes that 95 percent of the oil could have been captured through the timely executed burning.

I know there were weather conditions, but if that problem had been jumped on right away perhaps we would not see oil in the marshes of Louisiana. Perhaps we would not see oil on the beaches of Louisiana. Perhaps we would not see what may eventually come, which is oil on the beaches of other States in the gulf, including Florida.

Being from Florida, I have had the opportunity to be around some very good leaders in times of emergencies—Governor Jeb Bush, Governor Charlie Crist, people I worked with when we had hurricanes and tornadoes and other natural disasters. We know something about this in Florida. The lesson of these disasters is this: You have to respond to them immediately with overwhelming resources. You may over-respond, as hindsight will show you, because the disaster may not turn out to be much of a disaster. But that is a cost worth incurring.

What you should not do is fail to respond quickly and let the disaster get out of control. Small problems become big problems. That certainly seems to be the case here. We are going to learn more over time about what happened with MMS and the Department of the Interior and what happened with British Petroleum and Transocean. But right now it seems pretty apparent this Federal Government and British Petroleum were not properly prepared because there is an outcome we have to evaluate. If the oil is washing ashore,

we have failed. The government has failed and BP has failed.

Frankly, I am concerned that we are not reacting to this disaster in a way that we should. We are not giving it the proper response it deserves.

I have heard this disaster called a slow-moving Katrina, and I think that is right. But just because it moves slowly doesn't mean the Federal Government should. Everything must be done now. I know there are good people working on this. I have tremendous respect for Admiral Allen of the Coast Guard. The Coast Guard does exceptional work. But this is a results-oriented issue. If the oil is washing ashore, then the Federal Government and BP have failed. Before the oil washes ashore in Texas or Mississippi or Alabama or Florida, everything should be done that can be done to stop it. I don't have the feeling that is what is being done.

I will continue to come to the Senate floor to talk about this issue as time goes on. I am urging the President of the United States to give this the focus and attention it deserves. There is no more important problem facing us in the short term than this oilspill.

My home State of Florida right now is suffering through the worst recession we have had in anybody's memory. Unemployment is 12 percent. We are either No. 1 or No. 2 in terms of the most mortgage foreclosures in the country. Our business has come to a grinding halt. While there are signs of optimism, while we see things getting better in some sectors, and we have to remain hopeful—and Florida, we know, will succeed—this is a very difficult time.

If this oil comes ashore—and, thank God, it has not so far—but if and when it does, it is not only going to have a disastrous impact on our environment and potentially impact 1,000 miles of coastline in Florida, but it is going to impact our economy. Florida welcomes more than 80 million tourists a year. They come to Florida for a lot of reasons, but one of the reasons they come is for our beautiful beaches, some of the most beautiful beaches in the world, especially in the Florida Panhandle. If that oil comes ashore, it is going to be devastating to our economy.

That is not good for Florida. It is not good for America. This crisis demands a sense of urgency that it has not received, in my humble opinion, up until now. I call upon this administration to put forth every effort and to tell us what the plan is to stop this oil from coming ashore in States such as Florida.

I yield the floor.

Mr. LEAHY. Mr. President, H.R. 4899, the fiscal year 2010 supplemental appropriations bill, provides the funds requested by the President for emergency assistance for Haiti related to the January 12 earthquake. In fact it provides approximately $25 million more than the request.

Although the bulk of those funds are to address the immediate needs of shelter, health care, agriculture and food security, and governance, several Senators, particularly Senator LANDRIEU and Senator GILLIBRAND, have rightly pointed out that half of Haiti's children are not in school and the country suffers from an extremely high rate of illiteracy and a tiny fraction of the trained professionals it needs. There is a dire need for school construction and equipment, teacher training, and other education assistance for Haiti's children as well as high school, vocational, college and graduate students. Haiti's future depends on an educated workforce, and the earthquake has focused attention on this need as the country struggles to recover from this latest catastrophe.

For this reason, the bill includes up to $10 million for education programs which the Appropriations Committee included even though it was not in the President's request. This is admittedly only a small amount to begin to address Haiti's education needs. Fortunately other donors, including the Inter-American Development Bank and Canada, are expected to provide significantly more funds.

Haiti will require international assistance for years to come. I hope that in future budget requests the administration will include substantially more resources to combat illiteracy and train Haiti's future workforce, because over the long term it would be hard to think of a better investment in that country.

Mrs. GILLIBRAND. Mr. President, I wish today to speak about my grave concern for the children of Haiti. Last month, Senator LANDRIEU and I traveled to Haiti, where we met with President Preval and First Lady Elisabeth Delatour Preval. We heard firsthand from the President and First Lady that if they are ever going to rebuild their nation, their children need better access to publicly funded quality education.

As everyone knows, Haiti faced incredible challenges even before the devastating earthquake. As a result, children who were already facing almost insurmountable odds are now all the more desperate.

I believe we have a duty to answer the call of Haiti's children today, deliver the relief they need, and help put them on a path toward the quality education they deserve.

Even before the earthquake, only half of Haiti's children attended school at all. The country has almost no public school system. In fact, nearly 90 percent of the schools in Haiti's education system were funded and run by nonpublic operators.

No other country in the world faces the kinds of challenges faced today by Haiti's education system:

An overwhelming majority of Haiti's school-age children live in the country's rural areas, but less than a quarter of children in rural Haiti are actually enrolled in school.

The poorest of Haiti's poor are the hardest hit. Just over a third of Haiti's poorest 20 percent were enrolled in primary schools, compared to 80 percent of the country's wealthiest.

Of those enrolled, many graduate late or never at all because they can't afford school fees, uniforms, or books or because of late enrollment or poor quality education.

Around 80 percent of children were still enrolled in primary school at the age of 13, beyond the age they should have started secondary school.

Of the schools that were standing, the earthquakes caused an astounding $½ billion worth of damage.

We know that good opportunities in education lead to a strong national economy. But these alarming statistics show just how bleak the state of education is in Haiti.

If Haiti is ever going to rebuild and if these children are ever going to have a chance at success, Haiti needs a strong public school system to help lead the way. A strong public school system can be the foundation of each community, providing a broad range of resources for children and families—from health clinics and immunizations, to literacy education, job training, and nutrition.

It has been truly humbling and inspiring to watch the outpouring of support from America and across the globe coming to Haiti's relief. I support President Obama's request for the emergency supplemental this year to fund relief and redevelopment in Haiti. I applaud Chairman LEAHY and my dear friend Senator LANDRIEU's work to include funding for Haiti's education in this bill. These have all been lifesaving first steps. But we can't stop now. It is time now to direct our efforts to Haiti's education system.

The Inter-American Development Bank, together with the Government of Haiti, has estimated that it would take $2 billion over 5 years to set up Haiti's education sector.

I strongly encourage President Obama and Secretary Clinton to make a high-quality public school system a top priority in our relief efforts for Haiti—and begin building schools that can save lives, create real opportunities for the children of Haiti to succeed, and lay the foundation for a Haiti rebuilt.

VETTING PROCEDURES

Mr. LEAHY. Mr. President, I note that on page 16 of the supplemental appropriations bill, H.R. 4899, under the heading ''Afghanistan Security Forces Fund'' and on page 17 under the heading ''Iraq Security Forces Fund,'' which appropriate funds for training, equipment, and other assistance for these foreign security forces, there is language that makes these funds available ''notwithstanding any other provision of law.'' I would ask my friend, the chairman of the Appropriations Committee and of the Defense Appropriations Subcommittee, whether I am correct that this ''notwithstanding'' language is not intended to apply to the

''Leahy'' vetting procedures which are designed to ensure that foreign security forces that receive U.S. assistance have not been credibly alleged to have committed violations of human rights.

Mr. INOUYE. I would say to my friend from Vermont that is correct, we intend those vetting procedures to apply to these funds.

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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first, there will be no more votes today if we get this agreement worked out. I appreciate everyone's patience. We have worked long and hard to arrive at this point. It is never easy, as we have explained on a number of occasions, but we are fortunate with this bill to have two veterans of the Senate, two of the best Senators who would possibly work a bill. We are fortunate that Senator INOUYE and Senator COCHRAN are managing this bill. They are both gentlemen, and they have the best interests of the country at heart in everything we do here.

I ask unanimous consent that on Thursday, May 27, after any leader time, the Senate resume consideration of H.R. 4899 and resume consideration of the following amendments in the order listed: McCain No. 4214; Kyl No. 4288, second degree, as modified; Cornyn No. 4202, as modified and amended, if amended; and that the Cornyn amendment be further modified with the changes at the desk; that there be a total of 20 minutes for debate, with the time divided 5 minutes each for Senators MCCAIN, KYL, CORNYN, and SCHUMER or their designees, with respect to the border security-related amendments; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each; that after the first vote, there be 2 minutes equally divided in the usual form prior to the succeeding votes; that no amendment be in order to the amendments covered in this agreement other than as identified in this agreement; that if a budget point of order is raised against the border security amendments, then a motion to waive a budget point of order be considered made and the Senate then proceed to vote on the motion to waive the applicable budget point of order; that if the waivers are successful, then the amendments be agreed to and the motion to reconsider be laid on the table; that if the waivers fail, then the amendments be withdrawn; that upon disposition of the above-referenced amendments, the Senate then consider the Feingold amendment No. 4204 and the Coburn amendments Nos. 4231, as modified, and 4232, and that they be debated concurrently for a total of 15 minutes prior to a vote in relation thereto, with 5 minutes each under the control of Senators FEINGOLD, COBURN, and INOUYE or their designees; that no amendments be in order to these amendments prior to the votes; that upon the use or yielding back of time, the Senate then proceed to vote in relation to the amendments in the order listed; provided further that the pending committee-reported substitute amendment not be subject to any rule XVI point of order; and that upon disposition of these amendments, the Senate then proceed to vote on the motion to invoke cloture on the committee-reported substitute amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I would like to ask the leader if he would be willing to modify his request this evening to include the bipartisan amendment No. 4183 that would once and for all eliminate secret holds here in the Senate.

Senator GRASSLEY and I, as part of a large, bipartisan group, have come to the floor of the Senate again and again simply seeking to abolish secrecy, not holds, in the way business is done in the Senate. These secret holds are an indefensible violation of the public's right to know.

I ask the leader at this time if he would be willing to modify his request to include this bipartisan amendment No. 4183 to finally eliminate secret holds in the Senate?

Mr. REID. I appreciate the exemplary work of my friend from Oregon. I, of course, would accept the modification, but my accepting the modification would take the concurrence of the Republicans.

Mr. COCHRAN. Reserving the right to object, I am constrained to advise the leader and the Senator from Oregon that on behalf of the Senator from South Carolina, Mr. DEMINT, I would be forced to object to that.

Mr. WYDEN. Further reserving the right to object, I would inquire at this point of the majority leader—and I appreciate the graciousness of the leader and Senator COCHRAN as well—if he would agree to a consent agreement this evening that would provide for the consideration of a bipartisan resolution eliminating secret holds at a later point but prior to the July 4 recess and that that debate be limited to 2 hours, with no amendments in order to the resolution, and that upon the use or yielding back of the time, the Senate would then proceed to vote adoption of the resolution?

Mr. REID. I say to my friend, he knows how much I support his efforts. But I haven't had the opportunity to speak to Senator MCCONNELL. It wouldn't be appropriate for me to agree to something without consulting with him. I can't consult with him now. I will do everything within my abilities here to work this out so that prior to the end of our next work period, we will get this done.

Mr. WYDEN. Further reserving the right to object—and I will be brief—I thank the leader, the distinguished Senator from Nevada. His desire to finally end secret holds is clear. All Americans should understand that the Senator from Nevada has worked very closely with Senator GRASSLEY and me on this. I appreciate the Senator's statement tonight that he will try to get an up-or-down vote on this matter before the end of the next work period.

With that, I withdraw my reservation.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

The Senator from Oregon.

Mr. MERKLEY. Mr. President, reserving the right to object, can I ask for a clarification if this would prevent a pathway through which my amendment No. 4251 might be considered?

Mr. REID. It would prevent a pathway, yes.

Mr. MERKLEY. Reserving the right to object, this is an amendment that addresses the terrible drought we have in southern Oregon. Of course, we are addressing many natural disasters, and we have a natural disaster, a federally declared natural disaster in Oregon, in which we have been seeking to have a conversation about spending $10 million on the front end of what is a terrible situation: the worst drought in recorded history of the Klamath Basin, with 1,400 farming families and 200,000 acres affected.

I was seeking the opportunity to have a discussion and a vote on this which, in consultation with the committee, the esteemed Chair and his team had suggested a pathway. It would mean a tremendous amount to the families in trouble to have their disaster considered while we are addressing other national disasters. This is the moment. This is the moment when we can still have an impact, through land idling and the pumping of water, to save families' financial foundations and, for a few families, through the pumping of water, to save their farming season.

If my colleagues on both sides of the aisle would be amenable, I would certainly ask this request be amended to allow a debate and a vote on amendment No. 4251.

Mr. REID. Mr. President, I appreciate the good will of my friend from Oregon. I would be happy to work with my friend. But at this stage, as the Senator understands, this is two pieces of legislation we got from the President—one dealing with emergencies. FEMA is out of money, totally out of money. This will replenish the money. And there will be opportunities for FEMA, when we do this, to have the ability to do some things such as helping the State of Oregon and other problems.

As we all know, there is going to have to be some work done with the gulf. So I will be happy to work with my friend in any way I can, but I think at this stage this bill has been through a lot already. Not only do we have the

emergencies dealing with the normal emergencies that come about as a result of floods, fires, and all this, we also have the troops who have to be taken care of. We must get this done. We are running out of money there.

If the Senator wishes to modify the amendment, I, of course, have no objection there. I will work with the Senator to try to find some pathway to do this. A modification is fine. But I want to make sure the Senator understands that at this stage we will have to try to figure out something separate and apart from this consent request.

Mr. MERKLEY. Reserving the right to object—I thank the leader—it is very hard for me to go and explain to folks in Oregon we have calamities in other parts of the country being addressed and this one is not. I would greatly appreciate the unanimous consent to modify my amendment. I do understand from what the Senator has said there is probably not a pathway to have it considered. But I would appreciate the Senator's support and my colleagues' support from Mississippi to try to—there should be no party line when it comes to addressing a federally declared disaster.

Mr. REID. I would say to my friend, most of the things that are listed here emergencywise—they are not coming to Democratic States. We have had these acts of God in most instances that happen where they happen. We have two Senators from Tennessee, and this has nothing to do with partisanship. But I am committed to help my friend from Oregon. We have other problems similar to that in Oregon, and I would be happy to work with the distinguished Senator from Oregon, who is always very reasonable. I will do what I can to work with the Senator and Senator WYDEN to make sure we take care of Oregon.

Mr. MERKLEY. I very much, thank the leader.

The PRESIDING OFFICER. Is there objection to the original request of the majority leader?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to modify my amendment, amendment No. 4251.

The PRESIDING OFFICER. Is there objection to modifying the submitted amendment?

Without objection, the amendment is modified.

Mr. MERKLEY. I thank the Chair.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business. I will be speaking on the supplemental bill, however.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to express my opposition to the fiscal year 2010 Supplemental Appropriations Act. It represents what is reprehensible about the conduct of the Federal Government: unchecked, unpaid for, deficit spending. After a trillion dollar ''stimulus,'' a trillion dollar health care bill, and huge increases in the budgets of the bureaucracy, Americans are fed up with Congress's out-of-control spending. Our constituents have had enough, and they have asked us to rein in spending. Unfortunately, rather than listen to their cries, we have another appropriations bill that represents the same old, same old.

Of the nearly $59 billion of spending in this bill, all but $103 million is designated ''emergency'' spending. What does ''emergency'' spending actually mean, and what are these emergencies the Nation is facing?

Emergency spending means deficit spending. It means we are spending money that we as a nation do not have. An emergency designation relieves Congress of the burden and the responsibility of coming up with ways to pay for the spending. We are continuing to make purchases on the taxpayer's credit card, knowing full well we have no plans to pay back the loan. We have already maxed out the credit card. The company just has not found out yet.

Some programs under this bill may be considered true emergencies. There are unforeseen disasters, such as flooding and oilspills. But there are also disasters that occurred years ago that would receive funding under this legislation. Funding may be needed for those programs, but the lack of funding was certainly not unexpected and should have been in last year's and this year's regular budget and appropriations process. But appropriations and budgeting have been so disfigured, contorted, abused, and ignored by lawmakers in recent years that the system is broken, and you have a series of omnibus and ''emergency'' or supplemental bills. It is not the way to do it.

Even in the writeup of this legislation, the Senate Appropriations Committee noted that the $5.1 billion for the FEMA Disaster Relief Fund is necessary to pay for known costs for past disasters, such as Hurricanes Katrina, Rita, Ike, and Gustav, the Midwest floods of 2008, and the California wildfires, as well as needs that emerge with new disasters.

The bill also provides $13.4 billion in mandatory funding for the Department of Veterans Affairs for disability compensation to Vietnam veterans to implement a recent decision by the VA to expand the number of illnesses presumed to be related to exposure to Agent Orange. There is no doubt Vietnam veterans exposed to Agent Orange should be properly compensated, but Congress and the administration must find a way to pay for these programs without spending money we do not have and do not intend to pay back. There is no plan to pay back.

I want to make very clear my strong support for our Nation's veterans and the current members of our Armed Forces and the vital work they are doing in the world every day. I have the greatest admiration for today's service members and veterans for their commitment to preserving our freedoms and maintaining our national security. I must question, however, using their sacrifices to justify irresponsible spending by this Congress.

Congress must pass this bill to keep the necessary resources going to our military. America has deployed our young men and women to defend our Nation's interests, and they deserve no less than having the funding and equipment necessary to carry out their missions. But some in Congress do not see this as just about the military. They see it as an opportunity to add their pet programs to the shoulders of our Armed Forces. No one wants to leave our military operations unfunded, so our military needs are being used to leverage support for nonemergency, deficit spending.

To be fair, the Appropriations Committee found some offsets for the spending in this bill. Unfortunately, the offsets only account for .17 of 1 percent of the total cost of the bill—not even a quarter of a percent of the cost of the bill: .17 of 1 percent of the bill. You would think we could at least hit the 1-percent mark. Mr. President, .17 percent is all that is offset in this bill. That is wrong.

Senator COBURN and Senator MCCAIN have offered amendments that would offset or pay for the larger costs of this legislation. Tomorrow morning we will get to vote on those, and I hope we will take them into consideration and make sure this is paid for. I hope all my colleagues will take a look at those amendments.

The funding cut proposals are reasonable. They are well thought out. They are ideas that will help us responsibly address the serious spending problems this Congress has. It is time for Congress to step up and start making the hard decisions of prioritizing Federal spending.

The American people have made it clear that Congress needs to be fiscally responsible. They have made it clear they do not support our spending billions of taxpayer dollars with little or no debate. We have been asking Americans to tighten their spending belts and take responsibility for their personal debt. It is about time the representatives of the people do the same.

In April 2009, when making an emergency supplemental appropriations request, President Obama said:

> We should not label military costs as emergency funds so as to avoid our responsibility to abide by the spending limitations set forth by the Congress. After years of budget gimmicks and wasteful spending, it is time

to end the era of irresponsibility in Washington.

End of quote by the President.

I could not agree more. Congress and the administration need to find a better way to fund current military operations. Most of these funds are expected and should be addressed in the regular budget process.

Again, I want to provide our troops with the funding and the resources they need to be successful as they work to protect America. I do not, however, want the brave men and women of the Armed Forces nor the families of America who have been truly impacted by unforeseen disasters to be used as justification for unchecked and, in some cases, unrelated spending.

The men and women of our armed services deserve better than this spending bill. The people of the United States deserve better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. 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.

TERRORISTS AND GUNS

Mr. LEVIN. Mr. President, earlier this month, the Senate Homeland Security and Governmental Affairs Committee held a hearing on the threat posed by the ability of terrorists to purchase firearms in America and legislative proposals to address that threat. Before purchasing a firearm, an individual currently must undergo a background check to search for disqualifying characteristics such as a felony conviction or a history of domestic violence. However, if the background check reveals that the prospective buyer is on the terrorist watch list, law enforcement legally cannot block the sale unless the individual falls into another disqualifying category. In other words, being on a terrorist watch list does not prevent someone from buying a gun.

To close this dangerous loophole, I support S. 1317, the Denying Firearms and Explosives to Dangerous Terrorists Act, which was introduced by Senator FRANK LAUTENBERG. I am a cosponsor of this legislation because it would authorize the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist and the Attorney General has a reasonable belief that the purchaser may use the firearm in connection with terrorism.

Law enforcement should have the authority to block the purchase of a firearm by a known or suspected terrorist. Giving them that authority is simply common sense and has support across the political spectrum. At the May 5 hearing, New York City Mayor Michael Bloomberg expressed his support, and that of the other 500 American mayors who are members of the bipartisan coalition Mayors Against Illegal Guns, for passing S. 1317. Mayor Bloomberg focused on data recently released by the U.S. Government Accountability Office showing that between 2004 and 2010, individuals on the terrorist watch list were able to purchase firearms and explosives from licensed dealers 1,119 times. I agree with Mayor Bloomberg's testimony that this data represents a serious threat to our national security and that Congress needs to act to address it.

Representative PETER KING, ranking member of the House Homeland Security Committee, also appeared at the hearing and spoke about legislation similar to S. 1317 that he introduced in the House. Congressman KING mentioned that his bill has Republican and Democratic cosponsors and would have a positive impact on law enforcement agencies across the country, highlighting the support of the International Associations of Chiefs of Police.

Closing the ''terror gap'' also is supported by an overwhelming majority of American gun owners. In December 2009, pollster Frank Luntz conducted a poll showing that 82 percent of NRA members and 86 percent of non-NRA gun owners favored a proposal to prevent individuals listed on a terrorist watch list from purchasing firearms.

Closing the loophole in Federal law that prevents law enforcement from blocking the sale of firearms to terrorists is not a controversial proposal. To the contrary, legislative efforts to close the ''terror gap'' enjoy widespread, bipartisan support. In order to keep Americans safe, it is essential that law enforcement is provided with every legal tool to keep guns out of the hands of known or suspected terrorists. I urge my colleagues to take up and pass S. 1317, the Denying Firearms and Explosives to Dangerous Terrorists Act.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I regret that I was unavoidably detained on May 24, 2010, and missed rollcall votes No. 163 and No. 164. I ask that the RECORD reflect that had I been present I would have voted as follows: rollcall vote No. 163, a Brownback motion to instruct conferees: ''yea''; rollcall vote No. 164, a Hutchison motion to instruct conferees: ''yea.''

NATIONAL MENTAL HEALTH AWARENESS MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Mental Health Awareness Month to fight the stigma associated with mental illness that discourages people from seeking help and raise awareness of disparities in access to mental health services.

The National Institute of Mental Health estimates that while only 6 percent of Americans suffer from a serious mental illness, over a quarter of adults suffer from a diagnosable mental disorder in a given year. These illnesses—depression, bipolar disorder, anxiety, phobias, personality and body image disorders, and substance addictions—are real diseases with proven treatments.

Mental health determines how we make decisions, handle stress, and relate to others, consequently affecting our relationships with our families, our colleagues, and our communities. Normally defined as how one thinks, feels, behaves, and copes, mental health is as integral to our well-being as our physical health. However, mental health disorders are chronically underdiagnosed and undertreated.

While public education and awareness campaigns can go a long way in addressing the stigma associated with mental health disorders, improved access to high-quality mental health care should be a national priority. Unfortunately, access to mental health services is often more disparate than access to medical care, particularly in rural areas. Rural States like South Dakota have long struggled to recruit and retain an adequate mental health workforce to meet the needs of their citizens. I am pleased the new health reform law will increase investments in the health care workforce, including mental health providers. Increased access to adequate and meaningful health insurance coverage has also been addressed with health reform, ensuring more Americans can obtain the care they need. All too often, insurance companies have failed to cover mental health services or impose restrictive measures on the scope and duration of the treatment. Last Congress, I was proud to cosponsor and support passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, which ensures health insurance coverage for mental health services is comparable to coverage of physical ailments.

In the short term, however, I remain deeply concerned about our Nation's mental health safety net. I recently joined several colleagues in support of increased funding for comprehensive community services for low income and uninsured people living with mental illnesses. While the economic downturn has placed an additional financial strain on Federal, State, and family budgets, community mental health centers and other safety net providers are simultaneously reporting a significant increase in demand for mental

health and addiction services. We must continue our investment in these critical mental health programs for those most in need.

I recognize that mental illness affects many South Dakotans. It is my hope that awareness efforts throughout the month of May will help recognize the need for improved access to services, promote overall health and well-being, reduce the stigma associated with mental disorders, and encourage Americans to seek help when they need it.

TRIBUTE TO AMBASSADOR OLEH SHAMSHUR

Mr. KERRY. Mr. President, as chairman of the Senate Foreign Relations Committee, I wish today to mention the outstanding work of an ambassador who is leaving Washington after 4 years of distinguished achievement—Ambassador Oleh Shamshur of Ukraine.

There is little doubt that he has made a major contribution to strengthening bilateral relations between our countries. Ambassador Shamshur was one of the senior negotiators of the United States-Ukraine Charter on Strategic Partnership signed on December 19, 2008, which elevated relations between the United States and Ukraine to a new level. The charter is a living document and continues to guide cooperation between the two countries. On April 12, 2010, President Obama and President Yanukovych reaffirmed their commitment to the charter and expressed their intention to realize its full potential.

Ambassador Shamshur also played an important role in the establishment of the United States-Ukrainian Strategic Partnership Commission and participated in its first inaugural session in December 2009. The commission has reinvigorated relations between the United States and Ukraine with an ongoing dialog and program of cooperation on issues of democracy, economic freedom and prosperity, security and territorial integrity, energy security, defense-related cooperation, the rule of law, and people-to-people contacts.

During Ambassador Shamshur's tenure in Washington, Ukraine once more demonstrated its important leadership on the question of nonproliferation and arms control issues. Cooperation on these issues between Washington and Kyiv has been significantly enhanced. These efforts were conspicuous in the positive outcome of the Nuclear Security Summit in Washington.

While in Washington, Ambassador Shamshur's accomplishments were not limited to issues of international security or geopolitics. Early on in his service here, the United States reinstated tariff preferences for Ukraine under the Generalized System of Preferences and granted Ukraine market economy status. The Ambassador was instrumental in the efforts that led to Ukraine's graduation from the Jackson-Vanick Amendment on 23 March 2006. The United States and Ukraine were also able to sign a bilateral agreement on market access issues, which became a key step in Ukraine's eventual joining the World Trade Organization. The establishment of the United States-Ukraine Council on Trade and Investment in March 2008 was also a result of Ambassador Shamshur's tireless efforts. This year, Ambassador Shamshur can also claim credit for the resolution of difficulties surrounding the operation of the Overseas Private Investment Corporation in Ukraine and its return to the Ukrainian market.

Many of us on Capitol Hill and in the administration share an appreciation for Ambassador Oleh Shamshur's achievements. He leaves relations between Ukraine and the United States immeasurably stronger for having served here these 4 years. We wish him and the Ukrainian people well on the occasion of his departure.

AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, about a year ago, the United Arab Emirates decided to secure its energy future. The Emirates is a small Persian Gulf state that is awash in oil and annually rakes in about $80 billion in oil revenues. For its own domestic energy needs, however, it opted to go with another technology—nuclear power. Its reasoning was that the oil in the ground will eventually run out and that it would be best to conserve and prepare for that day.

The Emirates specified they wanted to build four nuclear reactors and estimated the costs at around $40 billion. Sure enough, the bids soon started coming in from the world's leading nuclear vendors. There was Areva, the company born out of France's nuclear effort—they now get 80 percent of their electricity from nuclear and are building one of their new Evolutionary Power Reactors in Finland. There was Westinghouse, which is building its new AP1000 reactors in Japan and China. You may recognize the name. They were once, along with General Electric, America's leading electrical manufacturer. Now they are a Japanese company, bought by Toshiba in 2006.

While these two giants dueled, a third competitor entered the field. South Korea only started building its own nuclear reactors in 1996. Before that they bought from the U.S. and the Japanese. But then they took an old design from Combustion Engineering, another American company, and fashioned the APR–1400. After building a few for themselves they entered the world market. Meanwhile, in the Persian Gulf oil business, the Koreans had established a reputation for getting things done on budget and on time.

Still, it was a complete shock last October when the United Arab Emirates passed over bids from the world's two leading companies, Areva and Westinghouse, and awarded the contract to South Korea for $20 billion—half the original estimated price. The French and the Japanese have gone back to the drawing boards to figure out what went wrong so they will be better able to compete next time.

How did the Koreans come so far so fast? People will talk about ''cheap labor,'' ''government enterprise'' and ''copycat technology.'' But I have another hypothesis. Year after year, Korean students are at the top of world performance in math and science while the United States doesn't even rank in the top 10. In the Program for International Student Assessment's math test for 15-year-old students, for instance, South Korea ranks third, behind Finland and Taiwan, while the United States ranks 21st. They are 75 points ahead of us on a scale of 1,000.

We have been hearing about these statistics for decades—maybe we have even grown used to them—but now we are starting to see the consequences. We are a country that is falling behind the rest of the world in science literacy. In terms of energy, the rest of the world is currently going through a nuclear renaissance while we are barely able to construct new reactors in our own country. Part of our population still thinks a nuclear reactor is an atomic bomb that can go up in a mushroom cloud any minute. A larger number believes that if we cover the Great Smoky Mountains with windmills we could generate all the electricity we need without having to build either nuclear reactors or coal plants. I call this ''Going to War in Sailboats.'' That is the title of a book I have just written. If we were to go to war tomorrow, would we put our fleet of nuclear submarines and aircraft carriers in mothballs and commission a fleet of sailing vessels?

Four years ago Senator JEFF BINGAMAN and I asked the National Academies:

> What are the top 10 actions, in priority order, that federal policymakers could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century? What strategy, with several concrete steps, could be used to implement each of those actions?

The Academies responded quickly to that request by assembling a distinguished panel, headed by Norman R. Augustine that quickly produced a list of 20 recommendations along with strategies in the report, ''Rising Above the Gathering Storm.'' That report was issued 3 years ago. I think its message is even more immediate today.

In response to the Gathering Storm report, Congress enacted and the President signed the America COMPETES Act in 2007, incorporating many of the Academies' recommendations and establishing a blueprint for maintaining America's competitive position. In the COMPETES Act we authorized funding to improve education in science, technology, engineering and mathematics.

We increased funding for scientific and technological research. And we established ARPA–E—modeled on the Defense Department's Advanced Research Project Agency, the one that started the Internet—but aimed this time specifically at advanced research projects on energy.

Just 2 months ago I attended ARPA–E's Inaugural Energy Innovation Summit, at which more than 50 innovators from around the country presented the prototypes of what we hope will be the next generation of energy innovation.

Some of these ideas are truly exciting. We saw designs for a ''Metal-Air'' battery that could have a 1000-mile range that would be 10 times what our best car batteries can get today. We saw plans for converting waste gas from refineries to gasoline that could save us 46 million barrels of oil each year. We saw projects for using sunlight and electricity to convert carbon dioxide back to gasoline and a ''self-digesting'' biofuels plant that uses enzymes to convert cellulose plant material to a gasoline substitute.

But there are still other areas where we must forge ahead. What about these new small modular reactors? Companies like Toshiba, Babcock & Wilcox, and Hyperion all have plans for reactors that are so small they can serve as ''nuclear batteries.'' They are assembled at the factory and shipped to the site, where they are fitted together like Lego blocks. They have a lower cost of entry which is important for smaller utilities. We already have reactors like this aboard our submarines and aircraft carriers. We have done this for more than 50 years. Why not put a 125-megawatt reactor back in Oak Ridge, TN, where it would power the entire site and meet one-half of the Department of Energy's carbon footprint reduction goal? The people of East Tennessee are not afraid of nuclear power.

With Senator JAMES WEBB of Virginia I have introduced a clean energy bill that calls for building 100 new nuclear reactors in the next 20 years to secure our energy future while cutting our carbon emissions and keeping energy prices low. With Senators JEFF MERKLEY of Oregon and BYRON DORGAN of North Dakota I have introduced a bill that would set up 10 model communities around the country to develop the infrastructure needed to support electric cars. Forty Republican Senators support the proposition of electrifying half our cars and trucks as a way to reduce our carbon footprint even further and reduce our dependence on foreign oil. The recent tragedy of the oilspill in the gulf has only highlighted the need to begin this effort.

Still, we have a formidable task ahead of us. In 2008, 1 year after passage of the America COMPETES Act, Norman Augustine wrote an article in Science Magazine. Since The Gathering Storm had been published, he noted, many new developments had occurred in science and education. A new research university was established in Saudi Arabia, with an opening endowment equal to what the Massachusetts Institute of Technology had amassed after 142 years. 200,000 Chinese students were studying abroad, mostly pursing science or engineering degrees, often under government scholarships. Government investment in R&D increased by 25 percent—in the United Kingdom. An initiative was under way to create a global nanotechnology hub—in India. An additional $10 billion was being devoted to K–12 education, with emphasis on math and science—in Brazil. Another $3 billion was added to the nation's research budget—in Russia.

So it is still a competitive world out there. A study done far back in the 1950s determined that 85 percent of the per capita income growth in American history has occurred, not because of increasing capital stock or other measurable inputs, but because of technological innovation.

As educators and scientists, I know you are aware of how important your work is to America's economic future. And I am sure you are ready to join us in this effort.

TRIBUTE TO KATY LESSER

Mr. LEAHY. Mr. President, I rise today to congratulate Katy Lesser of Underhill, VT, for being named Vermont's 2010 Small Business Person of the Year by the U.S. Small Business Administration.

Lesser is the owner of Healthy Living, a natural and organic food store in South Burlington, VT. In its 23 years of business, Healthy Living has grown from humble beginnings into a new 33,000-square-foot market with a staff of 130 employees. Healthy Living also is a leader in Vermont's sustainability movement by promoting a diverse and vibrant selection of locally grown foods and locally made products.

I had the pleasure of meeting Katy and her adult children, Eli and Nina, when they were in Washington this week for the national awards ceremony. Working at the store is a family affair, and they all put in long hours to make it go. I wish them well when they take a much needed vacation to Ireland.

Once again, I commend Katy Lesser on this well-deserved honor. I ask unanimous consent that a March 29 article from The Burlington Free Press on Katy's accomplishments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Burlington Free Press, Mar. 29, 2010]

HEALTHY LIVING OWNER KATY LESSER NAMED VERMONT'S SBA PERSON OF YEAR

(By Myra Mathis Flynn)

It's your neighborhood grocery store that packs a healthy punch. Located at 222 Dorset St., Healthy Living is the natural and organic food store with a well-known community outreach program, cooking classes and fully stocked bulk section.

Starting at 1,200 square feet with only one employee and average earnings of $300 a day, Healthy Living has grown over a period of 23 years into a 33,000-square-foot market with a staff of 130 employees, and average daily sales of $50,000. Leading the market to success has been owner Katy Lesser. Now, she is being recognized for it.

Lesser has been named the U.S. Small Business Administration's 2010 Vermont Small Business Person of the Year. Nominated by David Blow Jr., vice president of Granite State Development Corp. in Burlington, Lesser was selected for outstanding leadership related to her company's staying power, employee growth, increase in sales, innovative ingenuity and contributions to the community, the SBA said. Recession aside, Lesser's sales for 2009 were more than $17 million.

Lesser was quick to share the credit.

''I attribute my passion for food and people, tenacity, patience, being part of a terrific industry, willingness to learn, being a risk-taker, and a fabulous, amazing staff to my success,'' Lesser said. ''Bottom line, you have to want to get up and do it all over again every day.''

Healthy Living was also at the forefront of the localvore movement as Lesser's long-term relationships with local farmers has stocked the market with local fruits, vegetables, meats, poultry, dairy products and more. The market also acts as an incubator for small, local culinary producers and carries products from more than 1,000 Vermont producers.

In 2008, Healthy Living uprooted and moved to its current location. The move and expansion was a risk, but one that Lesser was not shy to take.

''I believe it's just as risky to be too small as it is to be too big. So when I decided to expand, I did a lot of research all over the country to see what other natural foods markets were up to,'' Lesser said. ''I traveled all over the country and got a good sense of what was working and what was not. I wanted space for more product, of course, but I also wanted space for customers to meet, eat, hang out, learn and have a sense of community meeting place. I think I did that.''

Lesser is gradually turning the business over to her two children, both of whom returned to Vermont following college and jobs elsewhere. Lesser's 32-year-old son, Eli, a graduate of Brandeis University, is Healthy Living's chief operating officer. Her 26-year-old daughter, Nina, a graduate of George Washington University and the French Culinary Institute in New York, is the store's education coordinator and director of the market's newest venture, the Healthy Living Learning Center.

As Vermont's Small Business Person of the Year, Lesser will compete for the national title at National Small Business Week ceremonies May 23–25 in Washington, D.C. The U.S. Small Business Administration will honor her locally June 17 at a ceremony sponsored by the SBA and Vermont Business Magazine at the Shelburne Farms Coach Barn.

''More than ever, I believe a good leader serves—serves her customers, her staff, her vendors and her truck drivers. Love of true service makes every day a joy because there is a never-ending list of people to help in many, many ways,'' Lesser said. ''It's an honor to serve a community like ours. I've experienced more loyalty and energy from our community than I ever dreamed possible.''

BAYVIEW CENTENNIAL CELEBRATION

Mr. RISCH. Mr. President, I rise today to commemorate the 100th Anniversary of Bayview, Idaho, a beautiful

little hamlet on the shores of Lake Pend Oreille in north Idaho. On May 29, 2010, the residents of Bayview will gather to dedicate the Centennial Gift to Bayview, a beautiful entrance sign funded by local donations and designed by local artists. In addition to this ceremony, several other events are scheduled throughout the year to celebrate this great milestone.

In 1910, the Prairie Development Company was formed by five businessmen from Spokane, WA. They platted the town on the shores of Lake Pend Oreille, with visions of a bustling resort where Spokane's well-to-do could step right off the train and enjoy a weekend retreat or summer residence. A shortline railroad was completed in 1911, and the crowds soon followed.

Bayview is a place full of well-kept secrets. You could say Bayview built Spokane. The limestone deposits above the town and in nearby Lakeview supplied the processed lime that was used to construct many of the buildings in Spokane from the turn of the 20th century, well into the 1930s.

Another little-known fact is that nearby Farragut State Park stands on the site of what was once Idaho's largest city. In 1942, the U.S. Navy built Farragut Naval Training Station to train sailors for the fight against the Axis powers. Nearly 300,000 sailors were trained there, and at any given time from 1942 to 1946, the population exceeded 50,000 people.

More recently, few people know Bayview's role in helping the U.S. Navy build the quietest submarines in the world. After World War II ended, the Navy began to dismantle the training station, selling off the buildings and turning the land over to the State of Idaho. The Navy, however, did retain 20 acres on the shores of Lake Pend Oreille, where they built research facilities as well as an underwater acoustic testing range. At a depth of nearly 1,200 feet, the cold, calm waters of the lake provide an ideal range to test various hull designs, hull coatings and propulsion systems at a fraction of the cost of full-scale ocean-based testing.

Finally, I would be remiss if I did not mention the fantastic Independence Day celebration in Bayview, where the fireworks echo off the surrounding cliffs and mountains, adding a thrilling dimension to the show.

Despite the stunning beauty of its setting, Bayview remains a well-kept secret. I suspect its faithful residents prefer it that way. And even though it is a small town, it has made an outsized impact on the Inland Northwest and the security of the entire Nation. Congratulations, Bayview, on 100 years of proud, colorful history, and here's wishing you 100 more.

ADDITIONAL STATEMENTS

RECOGNIZING THE SOUTH DAKOTA CAPITOL CENTENNIAL

• Mr. JOHNSON. Mr. President, it is with great honor that I recognize the 100th anniversary of the South Dakota State Capitol. This centennial is especially meaningful to me, as I spent 8 years in this building, serving the people of South Dakota in the Senate and House of Representatives from Clay and Union Counties.

South Dakota achieved statehood in 1889, and campaigns were soon waged over which town would become the capital. At least 13 towns competed in an intense race, with Pierre winning the title in 1904, partially due to its central location. Funding was secured in 1905, construction began in 1907, the cornerstone laid on June 25, 1908, and the official dedication of South Dakota's State Capitol was on June 30, 1910. Government agencies moved into the capitol from a small wooden building which was located at the southwest corner of the capitol grounds near the corners of Capitol Avenue and Nicollet. Robert S. Vessey of Wessington Springs was the first Governor to serve in the capitol building.

Modeled after the Montana State Capitol Building, architects from Minneapolis designed and constructed the building for just under $1 million. The beautiful structure includes native field stone, Indiana limestone, and Vermont and Italian marble. With hand-carved woodwork, marble, special cast brass, and hand laid stone, the capitol itself is a work of art.

During the ''Dirty 30's,'' the settling of blowing soil caused severe damage to the building. Subsequently, in 1977, a major restoration of the State capitol commenced with a goal of returning the majestic building to its original state in time for the South Dakota Centennial Celebration in 1989. Fifteen years and roughly $3 million later, the building has been restored very close to its original grandeur. The ceilings, wall designs, color schemes, window treatments, and carpeted areas were brought back to its original colors and luster.

On Saturday, June 19, 2010, South Dakotans from across the State will gather at the capitol to celebrate 100 years of our State's history. With live entertainment, tours of the capitol, historical lectures, a rededication ceremony, and many other activities, there is something for everyone. I hope this celebration gives our citizens a chance to reflect on our shared history, as well as our promising future.

At the laying of the cornerstone, Governor Coe Crawford said in his address, ''The new capitol will do more than comfortably accommodate the officers who are to labor within its walls for the people whom they will serve. It will stand throughout the coming years as an expression of beauty and art and as the people come and go and linger within its walls, they will see in it an expression of the soul of the state.'' Although currently valued at $58 million, this piece of history is priceless. I am honored to have served in this historical building and am proud to recognize it today.•

RECOGNIZING THE SOUTH DAKOTA STATE MEDICAL ASSOCIATION ALLIANCE

• Mr. JOHNSON. Mr. President, today I recognize the 100th anniversary of the South Dakota State Medical Association Alliance. This organization was founded to promote educational and charitable endeavors related to healthy living, and it has made remarkable progress over the last century.

Originally called the South Dakota Auxiliary, this organization was founded in 1910 when 18 wives of physicians saw a need for their own organization during the annual meeting of the South Dakota Medical Association. The original group of women took 15 minutes to write the constitution and by-laws, with dues set at $1 a year. Now known as the South Dakota State Medical Association Alliance, the group holds an annual fundraiser to raise money for medical student scholarships. This devoted organization supports the development of leadership skills through national training as well as involvement with projects at the State and local level.

The South Dakota State Medical Association Alliance has long been devoted to the general health of South Dakotans through education and financial support. The oldest continuous medical alliance in the United States, SDSMA Alliance fills an important role in our State with all they do. I appreciate their hard work and again congratulate them on their 100th anniversary. I look forward to their continued efforts on behalf of the South Dakota health care community.•

TRIBUTE TO HUGH GROGAN

• Mr. JOHNSON. Mr. President, today I wish to recognize the work and career of Hugh Grogan of Sioux Falls, SD. Hugh will soon be retiring after nearly 30 years of service to the Minnehaha County Human Services Department.

Hugh grew up in the historic north end of Sioux Falls in a large, Irish-Catholic family. Hugh's father, Wally, died at a young age. His mother Cleo raised her 11 children on her own with the attitude that an abundance of love, faith, and laughter mattered much more than an abundance of money. Always taking pride in their Irish heritage, St. Patrick's Day never passes without a Grogan family reunion and a float in the Sioux Falls parade.

Hugh began working for Minnehaha County in 1981 as the assistant director of welfare. He was promoted to director 2 years later. Hugh's sense of social justice has been a centerpiece of his career. Hugh's compassion for those without a home led him to develop the partnerships and relationships among social agencies necessary to establish the Homeless Coalition in Sioux Falls. He recently created and advocated for the Safe Home pilot program, which is helping to improve care for the chronically homeless, while also delivering

that care in a more cost effective way. Hugh has even opened his own home to provide a measure of stability to a young person in need of encouragement and opportunity. Countless disadvantaged individuals have benefitted from his dedicated work, much of which was done behind the scenes but always with the best interest of the people he served in mind.

Hugh has been the recipient of many awards over the span of his career, including the United Way Social Worker of the Year and the Sioux Falls Catholic Schools' Hall of Fame. The State of South Dakota has also benefitted from Hugh's expertise in the field of social services. He has served on many State committees and task forces created to best serve the poorest of our State.

Hugh and I share a commitment to providing access to affordable housing, recognizing that it is a critical ingredient for future success. His honorable service has been marked by a true sense of dedication to providing consistent guidance and stewardship. His warm sense of humor puts everyone around him at ease, and he treats each person with respect and dignity. My wife Barbara and I are proud to count Hugh as a friend, as well as an ally in the pursuit of social justice.

I commend Hugh for his passionate and tireless commitment to serving those in need. He has worked for affordable housing for 30 years, and will take his tireless work ethic to the Department of Veterans Affairs as an outreach worker for homeless veterans. I wish Hugh and his wife Jan all the best in the future.●

100TH ANNIVERSARY OF THE FOUNDING OF AGAR, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of the founding of Agar, SD. This rural community in Sully County is small, but its size is its strength. Agar is a warm, caring community full of people who are always willing to lend a helping hand.

When Chicago and Northwestern Railway Company decided to connect two of its lines, Agar was formed on the land of Charles Agar. Within the first year, several buildings had been constructed. The little town continued to flourish as an agricultural hub. A post office, newspaper, ice cream shop, and a bank were all started in 1910. In May of 1910, the town constructed an artesian well that flowed at 78 gallons per minute.

Agar's centennial celebration promises to be a great time, with bull riding, dances, and a softball tournament. The town will also be having a 2-day wagon train, covering beautiful farmland as well as the famous Sutton Bay Golf Resort. This weekend centennial celebration will gather together ''Agarians'' of all generations to celebrate all that this very proud community has accomplished.

One hundred years ago, this small town was founded on hard work and perseverance. Today, those values continue to permeate everything this town does. Small towns like Agar are the backbone of South Dakota, and I am proud to congratulate them on reaching this historic milestone.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3885. An act to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

H.R. 5145. An act to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties.

The message further announced that pursuant to section 106 of the Higher Education Opportunity Act (Public Law 110–315) and the order of the House of January 6, 2009, the Speaker appoints the following members on the part of the House of Representatives to the National Advisory Committee on Institutional Quality and Integrity for a term of 6 years: Upon the recommendation of the Majority Leader: Dr. Carolyn Williams of Bronx, New York, Dr. William ''Brit'' Kirwan of Adelphi, Maryland, and Dr. Benjamin J. Allen of Cedar Falls, Iowa; Upon recommendation of the Minority Leader: Dr. Art Keiser of Parkland, Florida, Mr. Arthur Rothkopf of Washington, DC, and Dr. William Pepicello of Phoenix, Arizona.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3410. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as ''Mississippi Canyon 252'' with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Adam Gamoran, of Wisconsin, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Deborah Loewenberg Ball, of Michigan, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Margaret R. McLeod, of the District of Columbia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Bridget Terry Long, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

*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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3885. An act to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

H.R. 5145. An act to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

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 Mrs. MURRAY (for herself and Mrs. MCCASKILL):

S. 3425. A bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre—deployment and post—deployment readiness and fitness standards, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 3426. A bill to amend the Agricultural Marketing Act of 1946 to require monthly reporting to the Secretary of Agriculture of items contained in the cold storage survey and the dairy products survey of the National Agricultural Statistics Service; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mr. CORNYN):

S. 3427. A bill to institute an identification requirement for the purchase of pre—paid mobile devices; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3428. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3429. A bill to require the Comptroller General of the United States to carry out a study on procurement under the American Recovery and Reinvestment Act of 2009; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3430. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3431. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Ms. SNOWE, Ms. CANTWELL, Mrs. SHAHEEN, Mr. KERRY, Mr. BAYH, Mr. CARDIN, Mr. BOND, Mr. VITTER, Mr. ENZI, Mr. ISAKSON, Mr. WICKER, Mr. RISCH, and Mr. THUNE):

S. Res. 540. A resolution honoring the entrepreneurial spirit of small businesses in the United States during ''National Small Business Week'', beginning May 23, 2010; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 493

At the request of Mr. CASEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 752

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1627

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1627, a bill to improve choices for consumers for vehicles and fuel, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2947

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 3157

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3157, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3223

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3223, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3248

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 3248, a bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

S. 3269

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3269, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3295, 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.

S. 3305

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3341

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3396

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3396, a bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) 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. 3405

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3405, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 3410

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3410, a bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as ''Mississippi Canyon 252'' with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3419

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3419, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. HATCH) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Idaho (Mr. RISCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. WICKER), the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 534

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 534, a resolution expressing support for designation of May 1, 2010, as ''Silver Star Service Banner Day''.

S. RES. 537

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 537, a resolution designating May 2010 as ''National Brain Tumor Awareness Month''.

AMENDMENT NO. 4175

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4175 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4179

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4179 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4181

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 4181 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4184

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 4184 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4187

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 4187 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4191

At the request of Mr. CARDIN, the names of the Senator from Florida (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 4191 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4192

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4192 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4193

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4193 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4194

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4195

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4195 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4196

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr.

COBURN) was added as a cosponsor of amendment No. 4196 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4197

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4197 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4198

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4198 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4204

At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4204 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4214

At the request of Mr. MCCAIN, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of amendment No. 4214 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4218

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 4218 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 4218 intended to be proposed to H.R. 4899, supra.

AMENDMENT NO. 4229

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4229 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4230

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4230 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3428. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Energy and Natural Resources.

Mr. UDALL of New Mexico. Mr. President, today I introduce the National DWI Victims Memorial Designation Act of 2010, which is cosponsored by my colleague Senator JEFF BINGAMAN. This legislation would designate the DWI Victims Memorial of Perpetual Tears in Moriarty, New Mexico, as the National DWI Victims Memorial.

Opened in 2008, the DWI Victims Memorial of Perpetual Tears is the Nation's first and only memorial of its kind. The Memorial Perpetual Tears helps raise awareness of the devastation caused by driving while impaired, DWI, crashes by recognizing their victims, educating the public, and encouraging preventive measures. The memorial aims to give comfort to the innocent victims of drunk driving and raise awareness of the devastating toll of DWI deaths on our nation's roadways. Located on a four-acre site next to Interstate 40, the Memorial of Perpetual Tears attracts passersby in addition to those who travel specifically to visit the memorial.

The National DWI Victims Memorial Designation Act of 2010 would require that any reference to this memorial in a law, map, regulation, document, record, or other official paper of the United States government refer to the site as the National DWI Victims Memorial. As a Senator from New Mexico, I am proud to seek such an official designation for the DWI Victims Memorial of Perpetual Tears. It is fitting that such a national memorial should be located in the State that once led the Nation in DWI fatalities and now leads the way in drunk driving prevention.

Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our roadways has declined, drunk driving still accounts for one third of all traffic fatalities nationwide. In 2008, drunk driving killed about 12,000 Americans, including 143 people in my home State of New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

Although other communities have established remembrance gardens and monuments honoring drunk driving victims, the DWI Victims Memorial of Perpetual Tears is unique. The memorial resembles a veterans cemetery with markers representing the most recent 5-year period of deaths in New Mexico attributed to DWI. The memorial includes a site dedicated to victims of DWI nationwide. The Memorial of Perpetual Tears gives further recognition to innocent victims of DWI nationwide by displaying Victim Tribute books in the memorial visitor center. The Victim Tribute books include stories and pictures submitted by injured victims and family members of those killed in DWI crashes.

The Memorial of Perpetual Tears is a testament to the hard work and dedication of local volunteers who have made this memorial possible. Sonja Britton, the mother of a DWI victim, saw the need for a memorial to those killed by drunk driving on our Nation's roadways. For years, she rallied support and found many local residents and others nationwide who were willing to help. Mike, Mary, and Ralph Anaya and their family provided key support by donating prime real estate next to Interstate 40 to give the memorial a fitting location. Thanks to the efforts of so many, the Memorial of Perpetual Tears today provides a focal point where families can gather to mourn the loss of loved ones as well as join with others to promote DWI awareness and prevention.

Having a National DWI Victims Memorial gives us another resource in the fight to end drunk driving. I share Sonja's vision that one day we will have no more senseless deaths caused by DWI crashes. As she says most eloquently, ''My dream will be realized when this mission is achieved and when our loved ones will no longer be injured or killed by alcohol-related traffic crashes. We must stop this carnage.''

Working together, we can make Sonja's dream a reality.

I urge all my colleagues to support this legislation and to join Senator BINGAMAN and me in celebrating the work of the volunteers who have made the DWI Victims Memorial of Perpetual Tears possible.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3430. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Small Business Committee, I am delighted to rise today, during National Small Business Week, with Senator LANDRIEU, who is Chair of the Committee, to introduce the Small Business Tax Equalization and Compliance Act.

Our bipartisan measure is a pro-small business bill and would allow the salon

industry to have the same tax rules on tips paid to employees as is permitted in the restaurant industry. The legislation would increase compliance with payroll tax obligations and will make sure that the women who work in the salon industry earn all the Social Security retirement and disability benefits they should be entitled to. It would also help to prevent salons that do not follow the tax law from gaining a competitive disadvantage against those that do follow the law. The companion bill in the House is H.R. 3724, which was introduced Representative SHELLEY BERKLEY and Representative KEVIN BRADY.

Clearly this legislation will help all parts of the salon industry, big and small, men and women. But the reality is that because 84 percent of the workforce in the salon industry is female, this issue has special relevance for women. When women work as independent contractors at hair salons, they are less likely to disclose all of their tips for purposes of paying Social Security taxes. As a result, they reduce their future right to earn retirement and disability benefits in the Social Security system and reduce the size of any benefit they do ultimately earn. Making sure that working women are correctly paying into Social Security is critical to their future retirement security because many of these women will have had no other retirement benefits available to them.

We know that women are disproportionately dependent on Social Security for their retirement benefits, a March 2010 study by the Women for Women's Policy Research showed that women's Social Security benefits in 2008 were only about 75 percent of the benefits earned by men and it comprised about half of their total retirement income. By contrast, Social Security benefits comprised roughly one third of men's retirement income. Earning the right to collect a decent Social Security benefit is vital to women.

As a small business issue, salons are a quintessential small business on Main Streets across America. According to the U.S. Census Bureau, 98 percent of salon industry firms have only one establishment; 92 percent of salon establishments have sales of less than $500,000; and 82 percent of salon establishments have fewer than 10 employees. Extending the tip tax credit to salon owners would allow them to reinvest in their businesses and employees, create new jobs, granting new economic and employment opportunities in their local communities.

I specifically want to explain what this legislation would do. First, it would provide the salon industry with the same type of tax credit currently available in the restaurant industry. The credit is for employers to offset the matching Social Security and Medicare taxes that the salon pays on the tips that employees receive from customers. Next, the bill would help to make more even-handed IRS enforcement of laws on payroll and income taxes. Without this legislation it is often the lopsided practice of the IRS to seek back taxes from the employer but rarely from the employee or independent contractor despite the requirement that taxes be paid in equal measure.

The legislation will protect both legitimate independent contractors and employees who pay their taxes but frees up IRS resources to focus on those bad actors who are not complying with the law. Although non-employer salons comprise 87 percent of establishments, their reported sales represent only 36 percent of total salon industry revenues, implying a significant underreporting of income in the non-employer segment. This legislation includes education and reporting requirements which will help address the ''tax gap'' and reveal a valuable new source of tax revenues for the federal Government. This is a win-win-win for the salons, for employees, and for the government.

This bill is supported by the Professional Beauty Association, the largest association in the professional beauty industry, which is comprised of salon and spa owners, manufacturers and distributors of salon and spa products, and individual licensed cosmetologists.

Finally, I want to thank two salon owners who brought this issue to my attention, Alan Labos of Akari Salon in Portland, Maine and Tiffany Conway of bei capelli salon in Scarborough, Maine.

In conclusion, I urge my colleagues on both sides of the aisle to support our 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. 3430

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 ''Small Business Tax Equalization and Compliance Act of 2010''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

''(5) any other beauty-related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2009.

SEC. 3. INFORMATION REPORTING AND TAXPAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding after section 6050W the following new section:

''SEC. 6050X. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person (referred to in this section as a 'reporting person') who—

''(1) employs 1 or more cosmetologists to provide any cosmetology service,

''(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

''(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons,

shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

''(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

''(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

''(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of $600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than $600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

''(3) CHAIR RENTERS.—

''(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any

cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

''(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

''(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

''(I) the name, address, and phone number of the information contact of the reporting person,

''(II) the amount received from such cosmetologist, and

''(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

''(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

''(c) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

''(1) in the case of an employee, the tax and tip reporting obligations of employees, and

''(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

''(d) DEFINITIONS.—For purposes of this section—

''(1) COSMETOLOGIST.—

''(A) IN GENERAL.—The term 'cosmetologist' means an individual who provides any cosmetology service.

''(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term 'cosmetologist' to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

''(2) COSMETOLOGY SERVICE.—The term 'cosmetology service' has the meaning given to such term by section 45B(c).

''(3) CHAIR.—The term 'chair' includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

''(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of the Internal Revenue Code of 1986 (relating to the definition of information returns) is amended by striking ''or'' at the end of clause (xxiv), by striking ''and'' at the end of clause (xxv) and inserting ''or'', and by adding after clause (xxv) the following new clause:

''(xxvi) section 6050X(a) (relating to returns by cosmetology service providers), and''.

(2) Section 6724(d)(2) of such Code is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting '', or'', and by inserting after subparagraph (HH) the following new subparagraph:

''(II) subsections (b)(3)(A)(ii) and (c) of section 6050X (relating to cosmetology service providers) even if the recipient is not a payee.''.

(3) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding after the item relating to section 6050W the following new item:

''Sec. 6050X. Returns relating to cosmetology services and information to be provided to cosmetologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2009.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 540—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESSES IN THE UNITED STATES DURING ''NATIONAL SMALL BUSINESS WEEK'', BEGINNING MAY 23, 2010

Ms. LANDRIEU (for herself, Ms. SNOWE, Ms. CANTWELL, Mrs. SHAHEEN, Mr. KERRY, Mr. BAYH, Mr. CARDIN, Mr. BOND, Mr. VITTER, Mr. ENZI, Mr. ISAKSON, Mr. WICKER, Mr. RISCH, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation's innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, ''National Small Business Week'' will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as ''National Small Business Week'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during ''National Small Business Week'', beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4236. Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4237. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4238. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4239. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4240. Mr. MENENDEZ (for himself, Mr. NELSON, of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4241. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4242. Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4243. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4244. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4245. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4246. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4247. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4251. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4252. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4253. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra.

SA 4254. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4255. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4256. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4257. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4258. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4259. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4260. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4262. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4263. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4264. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4265. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4266. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4267. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4268. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4269. Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4270. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4271. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4272. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4273. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4274. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4275. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4276. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4277. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4278. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4279. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MURKOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4280. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4281. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4282. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBACK, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4283. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4284. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4285. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4286. Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4287. Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4288. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4289. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra.

SA 4290. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4291. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4292. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4293. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4294. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4295. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4236. Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted

an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

(b) ASSESSMENT OF ENVIRONMENTAL IMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) DEEPWATER HORIZON OIL DISCHARGE.—The term ''Deepwater Horizon oil discharge'' means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(B) RESPONSIBLE PARTY.—The term ''responsible party'' means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(2) APPROPRIATIONS OF FUNDS.—

(A) IN GENERAL.—For an additional amount, in addition to amounts provided elsewhere in this Act for ''Operations, Research, and Facilities'' of the National Oceanic and Atmospheric Administration, $22,400,000 to carry out enhanced fisheries data collection in the Gulf of Mexico to assess environmental impacts related to the Deepwater Horizon oil discharge.

(B) GRANTS TO FISHERMEN.—Of the amount appropriated under subparagraph (A), $5,000,000 shall be available to provide cooperative research grants to fishermen to collect data to establish ecosystem baselines to assist managers in fully understanding the extent of the damage that resulted from the Deepwater Horizon oil discharge.

(3) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the amount appropriated pursuant to paragraph (2).

SA 4237. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

OIL AND GAS LEASING

SEC. 20___. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Secretary of the Interior to conduct any oil and natural gas leasing, preleasing, or related activities in the outer Continental Shelf without the concurrence of the Administrator of the National Oceanic and Atmospheric Administration, after the Administrator of the National Oceanic and Atmospheric Administration takes into account—

(1) available scientific information, including information on siting, mitigation, and habitat conservation; and

(2) the effect on living marine resources managed or protected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), or the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

(3) applicable requirements of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SA 4238. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

SEC. 20___. LIABILITY FOR DEEPWATER HORIZON OIL SPILL.

(a) IN GENERAL.—Congress finds that—

(1) executives of British Petroleum Exploration & Production, Incorporated (referred to in this section as ''BP'') testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(2) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is ''prepared to pay above $75 million'' on ''all legitimate claims'' relating to that explosion and oil spill;

(3) that offer is acceptable to Congress and to the Secretary of the Interior;

(4) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(5) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(6) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(b) DIRECTIVE TO SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall—

(A) accept the new terms of liability offered by BP in the letter described in subsection (a)(2); and

(B) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(2) PAYMENT OF CLAIMS.—

(A) IN GENERAL.—As an inherent condition of the amended lease described in paragraph (1), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(B) FINDING OF LEGITIMACY.—As a further inherent condition of the amended lease, if the Secretary finds a claim described in subparagraph (A) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

SA 4239. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 22, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. NATIONAL ACADEMY OF SCIENCES STUDY OF LONG-TERM ECOSYSTEM SERVICE IMPACTS OF THE DEEPWATER HORIZON OIL SPILL ON THE GULF OF MEXICO.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) STUDY.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the National Academy of Sciences shall carry out a 1-year study of the long-term ecosystem service impacts of the Deepwater Horizon oil spill on the Gulf of Mexico. In carrying out the study, the National Academy of Sciences shall assess the long-term costs to the public of the effect of the oil spill on the following:

(1) Water filtration for such communities.

(2) Hunting in the region near the Gulf of Mexico.

(3) Fishing, including both commercial and recreational fishing, in and near the Gulf of Mexico.

(4) Such other economic values as the National Academy of Sciences considers relevant to the communities near the Gulf of Mexico.

(c) REPORT.—Not later than 60 days after the completion of the study carried out under this section, the Secretary shall submit to Congress a report on the results of such study.

(d) ALTERNATE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the National Academy of Sciences on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the National Academy of Sciences shall be treated as a reference to the other organization.

(e) AUTHORIZATION OF APPROPRIATIONS AND DIRECT SPENDING.—

(1) IN GENERAL.—There is authorized to be appropriated and is appropriated to the Secretary, $1,000,000 to carry out this section.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4240. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency

supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

SEC. 2002. (a) Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

(b) The amendment made by this section takes effect on April 15, 2010.

SA 4241. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the end of chapter 3 of title I, add the following:

SUPPORT OF FISHER HOUSE FOUNDATION

SEC. 309. Of the amount appropriated by this chapter under the heading ''IRAQ SECURITY FORCES FUND'', $18,000,000 shall be available for a grant by the Secretary of Defense to the Fisher House Foundation for the construction and furnishing of facilities to meet the needs of military families confronting the illness or hospitalization of eligible military beneficiaries.

SA 4242. Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002. (a) DEFINITIONS.—In this section:

(1) DEEPWATER HORIZON OIL DISCHARGE.—The term ''Deepwater Horizon oil discharge'' means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) OIL SPILL LIABILITY TRUST FUND.—The term ''Oil Spill Liability Trust Fund'' means the Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

(3) RESPONSIBLE PARTY.—The term ''responsible party'' means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any provision of section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), amounts from the Oil Spill Liability Trust Fund shall be made available for the following purposes:

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(c) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for the amounts made available pursuant to subsection (b).

SA 4243. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING HAITI.

(a) FINDINGS.—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General's recommendation to increase the overall force levels of the MINUSTAH to support the post-earthquake recovery, reconstruction, and stability efforts in Haiti.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police, in coordination with the Haitian National Police (HNP), to guarantee security in the internally displaced people (IDP) camps in and around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General's request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP's institutional and operational capacities;

(4) support the Government of Haiti's adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

SA 4244. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 8 and 9, insert the following:

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'', for the protection of public health and safety through the removal of hazard trees killed by bark beetles, $60,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the ''Capital Improvement and Maintenance'' account to carry out the purposes of the matter under this heading.

On page 77, between lines 7 and 8, insert the following:

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'', for the protection of public health and safety through the removal of hazard trees killed by bark beetles, $10,000,000, to remain available until expended.

SA 4245. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 19, after the period insert the following:

(c). Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations,

be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

SA 4246. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike lines 4 through 8.

SA 4247. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 19, add the following:

TECHNICAL CORRECTION REGARDING IRAN SANCTIONS RESTRICTIONS RELATING TO EXPORT-IMPORT BANK

SEC. 1019. Section 7043(b)(1) of the Department of State, Foreign Operations, and Related Agencies Appropriations Act, 2010 (division F of Public Law 111-117; 123 Stat. 3370), is amended by striking ''for any project controlled by an energy producer or refiner that continues to'' and inserting ''for any energy project of an energy company unless such company has certified that it does not''.

SA 4248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

SA 4249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 20, strike ''and'' and all that follows through ''such commissions; and'' and insert the following: ''has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and''.

SA 4250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS

SEC. 608. (a) SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Governor of Arizona, shall establish a 2-year grant program, to be administered by the State of Arizona, to improve emergency communications along the Tucson Sector border and the Yuma Sector border.

(2) ELIGIBILITY FOR GRANTS.—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works near the Tucson Sector border or the Yuma Sector border;

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to such border.

(3) USE OF GRANTS.—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 911 service; and

(B) are equipped with global positioning systems.

(4) ANNUAL REPORTS.—The Governor of Arizona shall submit an annual report to the Secretary on activities carried out with grant funds awarded under this subsection during the previous year. Each such report shall include a description of such activities and an assessment of the effectiveness of such activities.

(b) INTEROPERABLE COMMUNICATIONS FOR LAW ENFORCEMENT.—

(1) FEDERAL LAW ENFORCEMENT.—The Department of Justice shall use funds transferred to the Department under subsection (d)—

(A) to purchase P–25 compliant radios, which may include a multi-band option, for Federal law enforcement agents working in Arizona in support of the activities of United States Customs and Border Protection and United States Immigration and Customs Enforcement, including agents of the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(B) to upgrade the communications network of the Department to ensure coverage and capacity, particularly when immediate access is needed in times of crisis, along the Tucson Sector border and the Yuma Sector border for appropriate law enforcement personnel of the Department of Justice (including the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives), the Department of Homeland Security (including United States Immigration and Customs Enforcement and United States Customs and Border Protection), other Federal agencies, the State of Arizona, tribes, and local governments.

(2) STATE AND LOCAL LAW ENFORCEMENT.—

(A) IN GENERAL.—The Department of Justice shall use funds transferred to the Department under subsection (d) to purchase P–25 compliant radios, which may include a multi-band option, for State and local law enforcement agents working in Santa Cruz, Pima, Cochise, Yuma, Pinal, Maricopa, or Graham County in the State of Arizona.

(B) ACCESS TO FEDERAL SPECTRUM.—If a State, tribal, or local law enforcement agency in Arizona experiences an emergency situation that necessitates immediate communication with the Department of Justice, the Department of Homeland Security, or any of their respective subagencies, such law enforcement agency shall have access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

(c) DEFINITIONS.—In this section:

(1) TUCSON SECTOR BORDER.—The term ''Tucson Sector border'' means the 262-mile section of international border between the United States and Mexico that—

(A) begins in Yuma County, Arizona; and

(B) ends at the State boundary line between Arizona and New Mexico.

(2) YUMA SECTOR BORDER.—The term ''Yuma Sector border'' means the 110-mile section of international border between the United States and Mexico that—

(A) begins in Pima County, Arizona; and

(B) ends at the State boundary line between Arizona and California.

(d) FUNDING.—

(1) IN GENERAL.—The amount appropriated or otherwise made available by this chapter is hereby increased by $73,000,000, with the amount of the increase to be available until expended for purposes of carrying out this section, including the transfer by the Secretary of Homeland Security of $35,000,000 to the Attorney General for purposes of subsection (b)(1) and the transfer by the Secretary of $35,000,000 to the Attorney General for purposes of subsection (b)(2).

(2) OFFSET.—Of the amounts appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) that remain available for obligation as of the date of the enactment of this Act, $73,000,000 are hereby rescinded.

SA 4251. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 7, strike ''$173,000,000'' and insert ''$163,000,000''.

On page 28, between lines 3 and 4, insert the following:

SEC. 4___. EMERGENCY DROUGHT RELIEF.

For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West: *Provided further*, That the amount provided under this heading shall be provided on a nonreimbursable basis.

SA 4252. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. _____. NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

SA 4253. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 79, between lines 3 and 4, insert the following:

PROHIBITION ON FINES AND LIABILITY

SEC. 20____. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

SA 4254. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING HAITI.

(a) FINDINGS.—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General's recommendation to increase the overall force levels of the MINUSTAH to support the post-earthquake recovery, reconstruction, and stability efforts in Haiti.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police to support the Haitian National Police (HNP) in their efforts to guarantee security in the internally displaced people (IDP) camps in and around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General's request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP's institutional and operational capacities;

(4) support the Government of Haiti's adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

SA 4255. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 3009. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

SA 4256. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking ''6 months'' in clause (i) and inserting ''12 months''; and

(2) by striking ''subsection (d) of section 11 of the Travel Promotion Act of 2009.'' in clause (ii) and inserting ''subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).''; and

(3) by striking ''September 30, 2014.'' in clause (iii) and inserting ''September 30, 2015.''.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking ''fiscal year 2010,'' in paragraph (2)(A) and inserting ''fiscal year 2011,'';

(2) by striking ''January 1, 2010,'' in paragraph (2)(A) and inserting ''January 1, 2011,'';

(3) by striking ''fiscal years 2011 through 2014,'' in paragraph (2)(B) and inserting ''fiscal years 2012 through 2015,'';

(4) by striking ''fiscal year 2010,'' in paragraph (3)(A) and inserting ''fiscal year 2011,'';

(5) by striking ''fiscal year 2011,'' each place it appears in paragraph (3)(A) and inserting ''fiscal year 2012,''; and

(6) by striking ''fiscal year 2010, 2011, 2012, 2013, or 2014'' in paragraph (4)(B) and inserting ''fiscal year 2011, 2012, 2013, 2014, or 2015''.

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking ''2 years after the date of enactment of this section,'' and inserting ''3 years after the date of enactment of the Travel Promotion Act of 2009,''.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking ''2010 through 2014'' and inserting ''2010 through 2015''.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking ''subsection (b) of section 11 of the Travel Promotion Act of 2009'' and inserting ''subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))''.

SA 4257. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

SEC. 608. (a) Not later than 10 days after the date of the enactment of this Act, and on an on-going basis thereafter, the Director of National Intelligence shall provide to the congressional intelligence committees each intelligence report of an interrogation or debriefing related to the investigation of the bombing attempt that occurred in the Times Square area of New York City on May 1, 2010, including each intelligence information report related to such attempt disseminated by the Federal Bureau of Investigation.

(b) In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4258. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the

bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492;

(2) all threat assessments of detainees who were reviewed by the Guantanamo Review Task Force made prior to the decision to release or transfer such detainee that were prepared by any element of the intelligence community during or prior to the existence of the Guantanamo Review Task Force; and

(3) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SA 4259. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SA 4260. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, line 24, strike ''activities'' and all that follows through ''notwithstanding'' on page 67, line 2, and insert ''projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding''.

SA 4261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

After section 3007 of the bill, insert the following:

SEC. 3008. AUTHORITY TO PURCHASE FFEL LOANS.

(a) IN GENERAL.—Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the heading, by striking ''; DETERMINATION REQUIRED'';

(ii) by striking ''Upon a determination by the Secretary that there is an inadequate availability of loan capital to meet the demand for loans under sections 428, 428B, or 428H, whether as a result of inadequate liquidity for such loans or for other reasons, the'' and inserting ''The'';

(iii) by inserting ''428C,'' after ''428B,'';

(iv) by striking ''on or after October 1, 2003, and'';

(v) by striking ''terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly'' and inserting ''terms as the Secretary and the Secretary of the Treasury jointly''; and

(vi) by striking ''as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.'' and inserting ''as determined jointly by the Secretary and the Secretary of the Treasury.''; and

(B) in paragraph (2)—

(i) by striking ''The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,'' and inserting ''The Secretary and the Secretary of the Treasury'';

(ii) in subparagraph (B)—

(I) by inserting ''428C,'' after ''428B,'';

(II) by striking ''the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,'' and inserting ''the Secretary and the Secretary of the Treasury''; and

(III) by striking ''and'' after the semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) sets forth that the loans available for purchase may be included in the Department of Education's Asset-Backed Commercial Paper Conduit program.'';

(2) in subsection (b), by inserting ''before July 1, 2010'' after ''under subsection (a)'';

(3) in subsection (f), by striking ''2010'' and inserting ''2015''; and

(4) by adding at the end the following:

''(g) FUNDS FOR FEDERAL PELL GRANTS.—The proceeds to the Federal Government from the sale of loans pursuant to this section—

''(1) under section 428C that is conducted before July 1, 2010, shall be used to carry out subpart 1 of part A; and

''(2) under sections 428, 428B, 428C, or 428H that is conducted on or after July 1, 2010, shall be used to carry out subpart 1 of part A.''.

(b) EMERGENCY DESIGNATION.—Unless otherwise specified, each amount in this section, or an amendment made by this section, is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4262. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ____. (a) For an additional amount for ''Salaries and Expenses'' of U.S. Customs and Border Protection, $12,000,000, to remain available until September 30, 2011, to hire, equip, and train unmanned aircraft systems pilots and support personnel.

(b) For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' for U.S. Customs and Border Protection, $66,000,000, to remain available until expended, to procure 3 unmanned aircraft systems and supporting equipment.

(c) Of the unobligated balance of the amount appropriated under the heading ''BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY'' under the heading ''U.S. CUSTOMS AND BORDER PROTECTION'' in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2145), $78,000,000 are rescinded in order to offset the amounts appropriated by subsections (a) and (b).

SA 4263. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $15,000,000, to remain available until September 30, 2011, for the Criminal Division, Civil Division, and Tax Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided,* That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for ''Salaries and Expenses, Antitrust Division'', $5,000,000, to remain available until September 30, 2011, for the Antitrust Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided,* That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2011, for the Offices of the United States Attorneys for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided,* That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $40,000,000, to remain available until September 30, 2011, for the Federal Bureau of Investigation for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided,* That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $225,000,000, to remain available until September 30, 2011: *Provided,* That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further,* That, of the amount made available under this heading—

(1) $100,000,000 is for the Edward Byrne Memorial Justice Assistance Grant program as authorized under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968 (in this Act referred to as the ''1968 Act'') (42 U.S.C. 3750 et seq.), except that section 1001(c) and the special rules for Puerto Rico under section 505(g) of the 1968 Act (42 U.S.C. 3793(c) and 3755(g)) shall not apply for purposes of this Act;

(2) $100,000,000 is for competitive, peer-reviewed grants to programs that prevent crime, improve the administration of justice, or assist victims of crime; and

(3) $25,000,000 is for assistance to law enforcement in rural States and rural areas, to prevent and combat crime, especially drug-related crime.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', $210,000,000, to remain available until September 30, 2011: *Provided,* That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further,* That, of the amount made available under this heading—

(1) $200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for purposes described in part Q of such title, notwithstanding subsection (i) of such section 1701; and

(2) $10,000,000 is for the matching grant program for law enforcement armor vests authorized under section 2501 of title I of the 1968 Act (42 U.S.C. 3796ll).

SA 4264. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

TITLE IV—DEEPWATER HORIZON CLAIMS RESOLUTION

SEC. 4001. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the oil spill resulting from the Deepwater Horizon incident has caused major economic damage to the residents of the States bordering the Gulf of Mexico;

(2) the limits on strict liability imposed by the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) will be exceeded by the claims resulting from the Deepwater Horizon incident; and

(3) while the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) places no restrictions on liability for damages from the accident under State law, litigation of such cases may take decades, and consume in litigation expenses funds that could otherwise be used to quickly and efficiently compensate the citizens of the Gulf States for damages resulting from the Deepwater Horizon incident.

(b) PURPOSE.—The purpose of this title is to create a fair and efficient system for the payment of legitimate present and future claims for damages resulting from the Deepwater Horizon incident.

SEC. 4002. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Advisory Committee on Deepwater Horizon Compensation established under section 4105(a).

(3) CLAIM.—The term ''claim'' means any claim, based on any theory, allegation, or cause of action, for damages presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or in part, the effects of the Deepwater Horizon incident.

(4) CLAIMANT.—The term ''claimant'' means a person or State who files a claim under section 4203.

(5) CIVIL ACTION.—

(A) IN GENERAL.—The term ''civil action'' means a civil action filed in Federal or State court, whether cognizable as a case at law, in equity, or in admiralty.

(B) EXCLUSION.—The term ''civil action'' does not include an action relating to any workers' compensation law.

(6) COLLATERAL SOURCE COMPENSATION.—The term ''collateral source compensation'' means the compensation that a claimant received, or is entitled to receive, from a responsible party as a result of a final judgment, settlement, or other payment for damages that are the source of a claim under section 4203, including payments made under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(7) COMPENSATION PROGRAM.—The term ''compensation program'' means the compensation program established under this title.

(8) DAMAGES.—The term ''damages'' means damages specified in section 4301(b), including the cost of assessing those damages.

(9) DEEPWATER HORIZON INCIDENT.—The term ''Deepwater Horizon incident'' means the blowout and explosion of the Deepwater Horizon oil rig that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(10) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(11) FUND.—The term ''Fund'' means the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

(12) LAW.—The term ''law'' includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(13) OFFICE.—The term ''Office'' means the Office of Deepwater Horizon Claims Compensation established under section 4101.

(14) PARTIES.—The term ''parties'' means, with respect to an individual claim, the claimant and the responsible party.

(15) PERSON.—

(A) IN GENERAL.—The term ''person'' means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation.

(B) EXCLUSIONS.—The term ''person'' does not include—

(i) the United States;

(ii) a State; or

(iii) a political subdivision of a State.

(16) RESPONSIBLE PARTY.—The term ''responsible party'' means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for the Deepwater Horizon incident.

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(18) STATE.—The term ''State'' means

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(19) SUCCESSOR IN INTEREST.—The term ''successor in interest'' means any person that acquires assets, and substantially continues the business operations, of a responsible party, considering factors that include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the responsible party under this title.

Subtitle A—Office of Deepwater Horizon Claims Compensation

SEC. 4101. ESTABLISHMENT OF OFFICE OF DEEPWATER HORIZON CLAIMS COMPENSATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department the Office of Deepwater Horizon Claims Compensation, which shall be headed by the Administrator.

(2) PURPOSE.—The purpose of the Office shall be to provide timely, fair compensation, under the terms specified in this title, on a no-fault basis and in a nonadversarial manner, to persons and State or local governments that have incurred damages as a result of the Deepwater Horizon incident.

(3) TERMINATION OF THE OFFICE.—The Office shall terminate effective not later than 1 year following the date of certification by the Administrator that the Fund has neither paid a claim in the previous 1-year period nor has debt obligations remaining to pay.

(4) EXPENSES.—The Fund shall be available to the Secretary for expenditure, without further appropriation and without fiscal year limitation, as necessary for any and all expenses associated with the Office, including—

(A) personnel salaries and expenses, including retirement and similar benefits; and

(B) all administrative and legal expenses.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM.—The term of the Administrator shall be 5 years.

(3) REPORTING.—The Administrator shall report directly to the Assistant Secretary for Policy, Management, and Budget of the Department.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for damages to eligible claimants in accordance with the criteria and procedures established under subtitle B;

(B) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal or State agencies and entering into contracts with nongovernmental entities;

(C) conducting such audits and additional oversight as necessary to assure the integrity of the compensation program;

(D) promulgating such rules, regulations, and procedures as may be necessary to carry out this title;

(E) making such expenditures as may be necessary in carrying out this title;

(F) excluding evidence and disqualifying or debarring any attorney or other individual or entity who provide evidence in support of the application of the claimant for compensation if the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by the individual or entity; and

(G) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENT.—

(A) FALSE STATEMENTS.—For each infraction described in paragraph (1)(F), the Administrator may impose a civil penalty not to exceed $10,000 on any individual or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this title.

(B) OTHER POWERS.—The Administrator shall issue appropriate regulations to carry out paragraph (1)(G).

(d) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

SEC. 4102. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a comprehensive claimant assistance program—

(1) to publicize and provide information to potential claimants about—

(A) the availability of benefits for eligible claimants under this title; and

(B) the procedures for filing claims and for obtaining assistance in filing claims;

(2) to provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim;

(3) to respond to inquiries from claimants and potential claimants;

(4) to provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants, including nonprofit organizations and State and local government entities; and

(5) to provide for the establishment of a website on which claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—

(1) IN GENERAL.—The claimant assistance program shall provide for the establishment of resource centers in areas in which there are determined to be large concentrations of potential claimants.

(2) LOCATION.—The centers shall be located, to the maximum extent practicable, in facilities of the Department or other Federal agencies.

(c) ATTORNEY'S FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this title, more than 5 percent of a final award made (whether by the Administrator initially or as a result of administrative review) on the claim.

(2) PENALTY.—Any representative of a claimant who violates this subsection shall be fined not more than the greater of—

(A) $5,000; or

(B) twice the amount received by the representative for services rendered in connection with each violation.

SEC. 4103. COMPENSATION PROGRAM STARTUP.

(a) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue interim regulations and procedures for the processing of claims under this title.

(b) INTERIM PERSONNEL.—

(1) IN GENERAL.—The Secretary and the Assistant Secretary for Policy, Management, and Budget of the Department may make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the compensation program.

(2) CONTRACTS.—The Administrator may contract with individuals or entities having relevant experience to assist in the expeditious startup of the compensation program.

(c) EXTREME FINANCIAL HARDSHIP CLAIMS.—In the final regulations promulgated under section 4101(c), the Administrator shall designate categories of claims to be handled on an expedited basis as a result of extreme financial hardship.

(d) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 4101(b), the responsibilities of the Administrator under this title shall be performed by the Assistant Secretary for Policy, Management, and Budget of the Department, who shall have all the authority conferred by this title on the Administrator and who shall be considered to be the Administrator for purposes of this title.

(e) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

(1) STAY OF CLAIMS.—

(A) PENDING ACTIONS.—Notwithstanding any other provision of this title, any claim for damages pending in any Federal or State court for monetary damages related to the Deepwater Horizon incident as of the date of enactment of this Act shall be subject to a stay.

(B) FUTURE ACTIONS.—Notwithstanding any other provision of this title, any claim for damages filed in any Federal or State court for monetary damages related to the Deepwater Horizon incident after the date of enactment of this Act shall be subject to a stay 60 days after the date of the filing of the claim, unless the claimant has filed an election to pursue the claim for damages in the Federal or State court under paragraph (2).

(2) CLAIMS.—To be eligible for a claim, any person or State that has filed a timely claim seeking a judgment or order for monetary damages related to the Deepwater Horizon incident in any Federal or State court before, on, or after the date of enactment of this Act, shall file with the Administrator and serve on all defendants in the pending court action an election to pursue the claim for damages under this title or continue to pursue the claim in the Federal or State court—

(A) not later than 60 days after the date of enactment of this Act, if the claim was filed in a Federal or State court before the date of enactment of this Act; and

(B) not later than 60 days after the date of the filing of the claim, if the claim is filed in a Federal or State court on or after the date of enactment of this Act.

(3) STAY.—Until the claimant files an election under paragraph (2) to continue to pursue the claim in the Federal or State court, the stay under paragraph (1) shall remain in effect.

(4) EFFECT OF ELECTION.—

(A) IN GENERAL.—Any claimant that has elected to pursue a claim for damages in Federal or State court under paragraph (2) shall not be eligible for an award for those damages under section 4301.

(B) STAY OF CLAIM.—Any claimant that has been awarded damages for a claim under section 4301 shall not be eligible for an award of damages for the same claim in Federal or State court.

(5) EFFECT OF OPERATIONAL OR NONOPERATIONAL FUND.—

(A) REINSTATEMENT OF CLAIMS.—If, after 270 days after the date of enactment of this Act, the Administrator cannot certify to Congress that the Office is operational and paying claims at a reasonable rate, each person or State that has filed a claim stayed under this subsection may continue the claims of the person or State in the court in which the case was pending prior to the stay.

(B) OPERATIONAL OFFICE.—If the Administrator subsequently certifies to Congress that the Office has become operational and paying all valid claims at a reasonable rate, any claim in a civil action in Federal or State court that is not actually on trial before a jury that has been impaneled and presentation of evidence has commenced, but before deliberation, or before a judge and is at the presentation of evidence, may, at the option of the claimant, be considered a reinstated claim before the Administrator and the civil action before the Federal or State court shall be null and void.

(C) NONOPERATIONAL OFFICE.—Notwithstanding any other provision of this title, if the Administrator certifies to Congress that the Office cannot become operational and paying all valid claims at a reasonable rate, all claims that have a stay may be filed or reinstated.

SEC. 4104. AUTHORITY OF ADMINISTRATOR.

On any matter within the jurisdiction of the Administrator under this title, the Administrator may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other potential evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this title.

SEC. 4105. ADVISORY COMMITTEE ON DEEPWATER HORIZON COMPENSATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Deepwater Horizon Compensation.

(2) COMPOSITION AND APPOINTMENT.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 24 members, appointed in accordance with this paragraph.

(B) LEGISLATIVE APPOINTMENTS.—

(i) IN GENERAL.—The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint 4 members to the Advisory Committee.

(ii) REPRESENTATION.—Of the 4 members appointed by each Member under clause (i)—

(I) 2 members shall represent the interests of claimants; and

(II) 2 members shall represent the interests of responsible parties.

(C) APPOINTMENTS BY ADMINISTRATOR.—The Administrator shall appoint 8 members to the Advisory Committee, who shall be individuals with qualifications and expertise relevant to the compensation program, including experience or expertise in marine or coastal ecology, oil spill remediation, fisheries management, administering compensation programs, or audits.

(b) DUTIES.—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) analyses or research that should be conducted to evaluate past claims and to project future claims under the compensation program; and

(5) such other matters related to the implementation of this title as the Administrator considers appropriate.

(c) OPERATION OF COMMITTEE.—

(1) TERM.—The term of a member of the Advisory Committee shall be 3 years.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The Administrator shall designate a Chairperson and Vice Chairperson of the Advisory Committee from among the members appointed under subsection (a)(2)(C).

(3) MEETINGS.—The Advisory Committee shall meet—

(A) at the call of the Chairperson or a majority of the members of the Advisory Committee; and

(B) at least—

(i) 4 times per year during the first 3 years of the compensation program; and

(ii) 2 times per year thereafter.

(4) INFORMATION.—

(A) IN GENERAL.—The Administrator shall provide to the Advisory Committee such information as is necessary and appropriate for the Advisory Committee to carry out this section.

(B) OTHER AGENCIES.—

(i) IN GENERAL.—On request of the Advisory Committee, the Administrator may secure directly from any Federal, State, or local department or agency such information as may be necessary to enable the Advisory Committee to carry out this section.

(ii) PROVISION OF INFORMATION.—On request of the Administrator, the head of the department or agency described in clause (i) shall furnish such information to the Advisory Committee.

(5) ADMINISTRATIVE SUPPORT.—The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable the Advisory Committee to carry out this section.

(d) EXPENSES.—A member of the Advisory Committee, other than a full-time Federal employee, while attending a meeting of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from the home or regular place of business of the member, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

Subtitle B—Deepwater Horizon Compensation Procedures

SEC. 4201. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this title for damages, a claimant shall—

(1) file a claim in a timely manner in accordance with section 4203; and

(2) prove, by a preponderance of the evidence, that the claimant has suffered damages as a result of the Deepwater Horizon incident.

SEC. 4202. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

To be eligible for an award under this title for damages, a claimant shall not be required to demonstrate that the damages for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 4203. FILING OF CLAIMS.

(a) ELIGIBLE CLAIMANTS.—

(1) IN GENERAL.—Any person or State that has suffered damage as a result of the Deepwater Horizon incident may file a claim with the Office for an award with respect to the damage.

(2) LIMITATION.—A claim may not be filed by any person or State under this title for contribution or indemnity.

(b) STATUTE OF LIMITATIONS.—Except as otherwise provided in this subsection, if a person or State fails to file a claim with the Office under this section during the 5-year period beginning on the date on which the person or State first discovered facts that would have led a reasonable person to conclude that damage had occurred, any claim relating to the damage, and any other claim related to that damage, shall be extinguished, and any recovery on the damage shall be prohibited.

(c) FUTURE CLAIMS NOT PRECLUDED.—Filing of a claim under subsection (a) shall not preclude the filing of additional claims for damages arising from the Deepwater Horizon incident that are manifest at a later date.

(d) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe.

(e) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(f) INCOMPLETE CLAIMS.—

(1) IN GENERAL.—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the claimant assistance program established under section 4102 to assist the claimant in completing the claim.

(2) TIME PERIODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any time period for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim.

(B) DEADLINE.—If the information described in subparagraph (A) is not received during the 1-year period beginning on the date of the notification, the claim shall be dismissed.

SEC. 4204. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Administrator shall, in accordance with this section, determine whether each claim filed satisfies the requirements for eligibility for an award under this title and, if so, the value of the award.

(2) FACTORS.—In making a determination under paragraph (1), the Administrator shall consider—

(A) the claim presented by the claimant;

(B) the factual evidence submitted by the claimant in support of the claim; and

(C) the results of such investigation as the Administrator may consider necessary to determine whether the claim satisfies the criteria for eligibility established by this title.

(3) ADDITIONAL EVIDENCE.—

(A) IN GENERAL.—The Administrator may request the submission of evidence in addition to the minimum requirements of section 4203 if necessary to make a determination of eligibility for an award.

(B) COST.—If the Administrator requests additional evidence under subparagraph (A), the cost of obtaining the additional evidence shall be borne by the Office.

(b) PROPOSED DECISIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the filing of a claim, the Administrator shall provide to the parties a proposed decision—

(A) accepting or rejecting the claim in whole or in part; and

(B) specifying the amount of any proposed award.

(2) FORM.—The proposed decision shall—

(A) be in writing;

(B) contain findings of fact and conclusions of law; and

(C) contain an explanation of the procedure for obtaining review of the proposed decision.

(c) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any party not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made not later than 90 days after the date of the issuance of the decision, to a hearing on the claim of the claimant before a representative of the Administrator.

(B) TESTIMONY.—At the hearing, the party shall be entitled to present oral evidence and written testimony in further support of the claim.

(C) CONDUCT OF HEARING.—

(i) IN GENERAL.—The hearing shall, to the maximum extent practicable, be conducted at a time and place convenient for the claimant.

(ii) ADMINISTRATION.—Except as otherwise provided in this title, in conducting the hearing, the representative of the Administrator shall conduct the hearing in a manner that best determines the rights of the parties and shall not be bound by—

(I) common law or statutory rules of evidence;

(II) technical or formal rules of procedure; or

(III) section 554 of title 5, United States Code.

(iii) EVIDENCE.—For purposes of clause (ii), the representative of the Administrator shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(D) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—Subject to clause (iv), a party may request a representative of the Administrator to issue a subpoena but the decision to grant or deny the request is within the discretion of the representative.

(ii) SUBPOENAS.—Subject to clause (iii), the representative may issue subpoenas for—

(I) the attendance and testimony of witnesses; and

(II) the production of books, records, correspondence, papers, or other relevant documents.

(iii) PREREQUISITES.—Subpoenas may be issued for documents under this subparagraph only if —

(I) in the case of documents, the documents are relevant and cannot be obtained by other means; and

(II) in the case of witnesses, oral testimony is the best way to ascertain the facts.

(iv) REQUEST.—

(I) HEARING PROCESS.—A party may request a subpoena under this subparagraph only as part of the hearing process.

(II) FORM.—To request a subpoena, the requester shall—

(aa) submit the request in writing and send the to the representative as early as practicable, but not later than 30 days, after the date of the original hearing request; and

(bb) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain the evidence because there are no other means by which the documents or testimony could have been obtained.

(v) FEES AND MILEAGE.—

(I) IN GENERAL.—Any person required by a subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(II) FUND.—The fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—

(A) IN GENERAL.—Instead of a hearing under paragraph (1), any party not satisfied with a proposed decision of the Administrator shall have the option, on written request made not later than 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator.

(B) OPPORTUNITY TO BE HEARD.—If a review is requested under subparagraph (A), the parties shall be afforded an opportunity to submit any written evidence or argument that the claimant believes relevant.

(d) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the parties waive any objections to the proposed decision, the Administrator shall issue a final decision.

(2) VARIANCE FROM PROPOSED DECISION.—If the decision materially differs from the proposed decision, the parties shall be entitled to review of the decision under subsection (c).

(3) TIMING.—If the parties request review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than—

(A) 180 days after the date the request for review is received, if a party requests a hearing; or

(B) 90 days after the date the request for review is received, if the claimant requests review of the written record.

(4) CONTENT.—The decision shall be in writing and contain findings of fact and conclusions of law.

(e) REPRESENTATION.—A party may authorize an attorney or other individual to represent the party in any proceeding under this title.

Subtitle C—Awards

SEC. 4301. AMOUNT.

(a) IN GENERAL.—A claimant that meets the requirements of section 4201 shall be entitled to an award in an amount equal to the damages specified in subsection (b) sustained as a result of Deepwater Horizon incident.

(b) COVERED DAMAGES.—For purposes of subsection (a), covered damages shall be 1 or more of the following types of damages (if applicable):

(1) REAL OR PERSONAL PROPERTY.—Damages for injury to, or economic losses resulting from destruction of, real or personal property, which shall be recoverable by a claimant who owns or leases that property.

(2) SUBSISTENCE USE.—Damages for loss of subsistence use of natural resources, which shall be recoverable by any claimant who so uses natural resources that have been injured, destroyed, or lost, without regard to the ownership or management of the resources.

(3) REVENUES.—Damages equal to the net loss of taxes, royalties, rents, fees, or net profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by a State or a political subdivision of a State.

(4) PROFITS AND EARNING CAPACITY.—Damages equal to the loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant.

(5) PUBLIC SERVICES.—Damages for net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil, which shall be recoverable by a State or a political subdivision of a State.

SEC. 4302. PAYMENT.

(a) PAYMENTS.—Not later than 30 days after a final determination of an award under this title, a claimant that is entitled to an award under this title shall receive the amount of the award through payments from the responsible parties.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this title shall not be assignable or otherwise transferable under this title.

SEC. 4303. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

The amount of an award otherwise available to a claimant under this title shall be reduced by the amount of collateral source compensation.

SEC. 4304. SUBROGATION.

Any person that pays compensation pursuant to this title to any claimant for damages shall be subrogated to all rights, claims, and causes of action the claimant has under any other law.

Subtitle D—Judicial Review

SEC. 4401. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator under this title.

(b) PERIOD FOR FILING PETITION.—A petition for review under this section shall be filed not later than 60 days after the date notice of the promulgation of the rules or regulations appears in the Federal Register.

(c) EXPEDITED PROCEDURES.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

SEC. 4402. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant or responsible party adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under this title may petition for judicial review of the decision.

(b) PERIOD FOR FILING PETITION.—Any petition for review under this section shall be filed not later than 90 days after the date of issuance of a final decision of the Administrator.

(c) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(d) STANDARD OF REVIEW.—The court shall uphold the decision of the Administrator unless the court determines, on review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(e) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 4403. OTHER JUDICIAL CHALLENGES.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this title.

(b) PERIOD FOR FILING PETITIONS.—An action under this section shall be filed not later than the later of—

(1) the date that is 60 days after the date of enactment of this Act; or

(2) the date that is 60 days after the final action by the Administrator or the Office giving rise to the action.

(c) DIRECT APPEAL.—

(1) IN GENERAL.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court.

(2) ADMINISTRATION.—The appeal shall be taken by the filing of a notice of appeal not later than 30 days, and the filing of a jurisdictional statement not later than 60 days, after the date of the entry of the final decision.

(d) EXPEDITED PROCEDURES.—It is the sense of Congress that the Supreme Court and the United States District Court for the District of Columbia are urged to advance on the docket and otherwise expedite, to the maximum extent practicable, the disposition of an action covered by this section.

Subtitle E—Effect on Other Laws

SEC. 4501. EFFECT ON OTHER LAWS.

This title shall supersede any Federal or State law to the extent that the law relates to any claim for damages compensated under this title.

SA 4265. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

PROHIBITION ON FRAUDULENT REPRESENTATION OF MILITARY SERVICE TO OBTAIN EMPLOYMENT OR OTHER BENEFITS

SEC. 3008. (a) CRIMINAL OFFENSE.—Section 704 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(c) FRAUDULENT REPRESENTATION OF MILITARY SERVICE.—Whoever knowingly makes a fraudulent statement or representation, verbally or in writing, regarding the person's record of military service in the United States Armed Forces, including, but not limited to, participation in combat operations, for the purposes of gaining recognition, honorarium, official office, or other position of authority, employment or other benefit or object of value as a result of the statement, shall be fined under this title, imprisoned not more than six months, or both.''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 704. Military medal or decorations; military service''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 704 and inserting the following new item:

''704. Military medal or decorations; military service.''.

SA 4266. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, line 2, strike ''and (3)'' and insert ''(3) may use, without further appropriation, amounts from the Oil Spill Liability Trust Fund in the event of a spill of national significance for administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, and technical services); and (4)''.

SA 4267. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4____. (a) Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of appropriations under subparagraph (A) or payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

''(2) LIMITATION.—The source of payments received from a borrower under subparagraph (B) or (C) of paragraph (1) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''; and

(2) by adding at the end the following:

''(l) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed $100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

''(m) DIRECT HIRE AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding sections 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the 'Executive Director') may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

''(2) EXCEPTION.—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

''(3) REQUIREMENTS.—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

''(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

''(B) complies with the public notice requirements of section 3327 of title 5, United States Code.

''(4) SUNSET.—The authority provided under paragraph (1) shall terminate on September 30, 2011.

''(n) PROFESSIONAL ADVISORS.—The Secretary may—

''(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this title;

''(2) require applicants for and recipients of loan guarantees to pay all fees and expenses of the agents and advisors; and

''(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this title.

''(o) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States.''.

(b) Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

''(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section.''.

(c) Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

(d) Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) by striking subsection (f) and inserting the following:

''(f) FEES.—Except as otherwise permitted under subsection (i), administrative costs shall be not more than $100,000 or 10 basis points of the loan.'';

(2) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(3) by inserting after subsection (h) the end the following:

''(i) PROFESSIONAL ADVISORS.—The Secretary may—

''(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this section;

''(2) require applicants for and recipients of loan guarantees to pay directly, or through the payment of fees to the Secretary, all fees and expenses of the agents and advisors; and

''(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this section.''.

SA 4268. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by

him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4____. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

''(1) DEADLINE FOR OMB REVIEW.—If the Secretary submits to the Director of the Office of Management and Budget a loan guarantee for review and comment, the Secretary may, taking into consideration comments made by the Director, issue a conditional commitment to enter into the loan guarantee at least 30 days subsequent to the submittal, without further approval from the Director.''.

SA 4269. Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking ''6 months'' in clause (i) and inserting ''12 months''; and

(2) by striking ''subsection (d) of section 11 of the Travel Promotion Act of 2009.'' in clause (ii) and inserting ''subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).''; and

(3) by striking ''September 30, 2014.'' in clause (iii) and inserting ''September 30, 2015.''.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking ''fiscal year 2010,'' in paragraph (2)(A) and inserting ''fiscal year 2011,'';

(2) by striking ''January 1, 2010,'' in paragraph (2)(A) and inserting ''January 1, 2011,'':

(3) by striking ''fiscal years 2011 through 2014,'' in paragraph (2)(B) and inserting ''fiscal years 2012 through 2015,'';

(4) by striking ''fiscal year 2010,'' in paragraph (3)(A) and inserting ''fiscal year 2011,'';

(5) by striking ''fiscal year 2011,'' each place it appears in paragraph (3)(A) and inserting ''fiscal year 2012,''; and

(6) by striking ''fiscal year 2010, 2011, 2012, 2013, or 2014'' in paragraph (4)(B) and inserting ''fiscal year 2011, 2012, 2013, 2014, or 2015''.

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking ''2 years after the date of enactment of this section,'' and inserting ''3 years after the date of enactment of the Travel Promotion Act of 2009,''.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking ''2010 through 2014'' and inserting ''2010 through 2015''.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking ''subsection (b) of section 11 of the Travel Promotion Act of 2009'' and inserting ''subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))''.

SA 4270. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901(5)—

(A) in the matter before subparagraph (A), by striking ''22 years of age'' and inserting ''26 years of age''; and

(B) in the matter after subparagraph (B), by striking ''age 22'' and inserting ''age 26''; and

(2) in section 8905(c)(2)(B)—

(A) in clause (i), by striking ''22 years of age'' and inserting ''26 years of age''; and

(B) in clause (ii), by striking ''age 22'' and inserting ''age 26''.

(b) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(1) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking ''an unmarried dependent'' each place it appears and inserting ''a dependent''; and

(2) in section 8905(c)(2)(B), by striking ''unmarried dependent'' and inserting ''dependent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111–148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

SA 4271. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30____. None of the funds made available by this Act or any other law shall be used by the Secretary of the Interior to review or approve plans or permits for the exploration, development, or production of oil and natural gas in the outer Continental Shelf until such time as—

(1) the Secretary of the Interior and the Council on Environmental Quality have completed a joint review of applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order on May 22, 2010 (referred to in this section as the ''Commission''), has submitted a final public report to the President in accordance with section 3(c) of that Executive Order;

(3) any policy or procedural changes recommended by the Secretary of the Interior and the Council on Environmental Quality based on the joint review under paragraph (1) and by the Commission based on the final report described in paragraph (2) have been fully implemented, as determined to be appropriate by the President; and

(4) the Secretary of the Interior has submitted a report that describes the changes implemented under paragraph (3) to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

SA 4272. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 14, strike ''Code:'' and insert ''Code, and $80,900,000 shall be available to the Secretary of Transportation for a national advertising and enforcement campaign against distracted driving, and for grants to States to carry out enforcement against distracted driving:''.

SA 4273. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 10 through 24.

SA 4274. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 14 and all that follows through line 18 and insert the following: ''Medical Services'' account: *Provided,* That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: *Provided further,* That such amounts are used to provide assistance and support services to caregivers under section 1720G of title 38, United States Code, and to carry out the provisions of title I of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163): *Provided further,* That no amounts may be transferred from amounts

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SA 4275. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 10 and all that follows through line 22 and insert the following:

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the ''Construction, Major Projects'' account, in fiscal year 2010 or previous fiscal years, the unobligated balances that are a direct result of bid savings may be used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under

section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate.

SA 4276. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION

SECTION 1. SHORT TITLE.

This division may be cited as the ''Gulf of Mexico Restoration and Protection Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

''(a) DEFINITIONS.—In this section;

''(1) GULF OF MEXICO ECOSYSTEM.—The term 'Gulf of Mexico ecosystem' means the ecosystem of the Gulf of Mexico and its watershed.

''(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term 'Gulf of Mexico Executive Council' means the formal collaborative Federal, State, local, and private participants in the Program.

''(3) PROGRAM.—The term 'Program' means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

''(4) PROGRAM OFFICE.—The term 'Program Office' means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

''(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

''(1) GULF OF MEXICO PROGRAM OFFICE.—

''(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

''(B) REQUIREMENTS.—The Program Office shall be—

''(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

''(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

''(C) FUNCTIONS.—The Program Office shall—

''(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

''(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

''(II) to obtain the support of appropriate officials;

''(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

''(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

''(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

''(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

''(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

''(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

''(d) GRANTS.—

''(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

''(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

''(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

''(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

''(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

''(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

''(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

''(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

''(A) each project and activity funded under this section during the previous fiscal year;

''(B) the goals and objectives of those projects and activities; and

''(C) the net benefits of projects and activities funded under this section during previous fiscal years.

''(2) ASSESSMENT.—

''(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

''(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

''(i) assess the overall state of the Gulf of Mexico ecosystem;

''(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

''(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

''(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

''(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

''(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

''(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $10,000,000 for fiscal year 2010;

''(2) $15,000,000 for fiscal year 2011; and

''(3) $25,000,000 for each of fiscal years 2012 through 2014.''.

SA 4277. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be

proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION

SECTION 1. SHORT TITLE.

This division may be cited as the ''Gulf of Mexico Restoration and Protection Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

''(a) DEFINITIONS.—In this section;

''(1) GULF OF MEXICO ECOSYSTEM.—The term 'Gulf of Mexico ecosystem' means the ecosystem of the Gulf of Mexico and its watershed.

''(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term 'Gulf of Mexico Executive Council' means the formal collaborative Federal, State, local, and private participants in the Program.

''(3) PROGRAM.—The term 'Program' means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

''(4) PROGRAM OFFICE.—The term 'Program Office' means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

''(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

''(1) GULF OF MEXICO PROGRAM OFFICE.—

''(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

''(B) REQUIREMENTS.—The Program Office shall be—

''(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

''(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

''(C) FUNCTIONS.—The Program Office shall—

''(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

''(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

''(II) to obtain the support of appropriate officials;

''(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

''(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

''(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

''(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

''(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

''(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

''(d) GRANTS.—

''(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

''(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

''(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

''(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

''(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

''(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

''(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

''(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

''(A) each project and activity funded under this section during the previous fiscal year;

''(B) the goals and objectives of those projects and activities; and

''(C) the net benefits of projects and activities funded under this section during previous fiscal years.

''(2) ASSESSMENT.—

''(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

''(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

''(i) assess the overall state of the Gulf of Mexico ecosystem;

''(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

''(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

''(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

''(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

''(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

''(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $10,000,000 for fiscal year 2010;

''(2) $15,000,000 for fiscal year 2011; and

''(3) $25,000,000 for each of fiscal years 2012 through 2014.''.

SA 4278. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, between lines 7 and 8, insert the following:

DEPARTMENT OF ENERGY

TITLE XVII INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

For the cost of guaranteed loans as authorized by section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) for nuclear power facilities, an additional total principal amount of $9,000,000,000, to remain available until expended: *Provided*, That amounts made available under this heading shall be subject tosection 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a): *Provided further*, That amounts made available under this heading shall be in addition to the authority provided under section 20320 of the Continuing Appropriations Act, 2007 (42 U.S.C. 16515): *Provided further*, That amounts made available under this heading shall be derived from amounts received as payments from borrowers under section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) and collected in accordance with section 502(7) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(7)): *Provided further*, That the source of payment received from the borrowers shall not be considered a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That, pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)), no amounts made available under this heading shall be used to pay the subsidy cost of guarantees: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for commitments to guarantee loans for any projects for which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support a project or to obtain goods or services from the project: *Provided further*, That the previous proviso does not preclude the use of the loan guarantee authority provided under this heading for commitments to guarantee loans for projects as a result of the projects benefitting from (1) otherwise allowable Federal income tax benefits, (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency, (4) Federal insurance programs, including section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act''), or (5) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.): *Provided further*, That, of the unobligated balances appropriated or otherwise made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of division A of that Act), $90,000,000 is rescinded.

SA 4279. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MURKOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 9 through 25 and insert the following:

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'', for the protection of public health and safety through the removal of hazard trees killed by bark beetles, $50,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the ''Capital Improvement and Maintenance'' account to carry out the purposes of the matter under this heading: *Provided further*, That $8,000,000 of the funds provided under this heading shall be transferred to the National Park Service for ''Operation of the National Park System'', to carry out the purposes of the matter under this heading.

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for ''Food for Peace Title II Grants'' for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107–171 in excess of $552,000,000 in fiscal year 2010, $432,000,000 in fiscal year 2011, or $299,000,000 in fiscal year 2012: *Provided*, That section 3002 shall not apply to the amount under this section.

SA 4280. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

SA 4281. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by striking ''and, upon request'' and all that follows through the period at the end and inserting ''and to all members of Congress. In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

SA 4282. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBACK, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

TITLE IV—FLOOD INSURANCE

SEC. 4001. BASE FLOOD ELEVATION DETERMINATION APPEAL PERIOD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the appeal period for any base flood elevation determination or any determination of an area having special flood hazards shall be 90 days unless an extended appeal period is requested by a party affected by such determination, in which case the appeal period shall be 120 days.

(b) REENTRY OF APPEALS.—Effective for the 90-day period beginning on the date of enactment of this Act, any community whose Flood Insurance Rate Maps were revised, updated, or otherwise altered after September 30, 2008, pursuant to the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall be permitted to re-enter an appeal of such revision, update, or alteration and such appeal shall be subject to the time limitations established under subsection (a).

SEC. 4002. ECONOMIC IMPACT OF PRELIMINARY BASE FLOOD ELEVATION DETERMINATIONS AND PRELIMINARY FLOOD INSURANCE RATE MAPS.

For purposes of section 605(b) of title 5, United States Code, the issuance by the Administrator of the Federal Emergency Management Agency of a proposed modified base flood elevation, proposed area having special flood hazards, preliminary flood insurance study, or preliminary Flood Insurance Rate Maps shall be deemed to have a significant economic impact on a substantial number of small entities.

SEC. 4003. ESTABLISHMENT OF A BASE FLOOD ELEVATION DETERMINATION AND SPECIAL FLOOD HAZARD AREA DETERMINATION ARBITRATION PANEL.

(a) ESTABLISHMENT.—As allowed under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), and notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an arbitration panel—

(1) to efficiently and clearly resolve disputes between communities and the Federal Government regarding the Flood Map Modernization Program; and

(2) to expedite the general acceptance of technically accurate base flood elevation determinations as reflected in Flood Insurance Rate Maps.

(b) ARBITRATION PANEL.—

(1) MEMBERSHIP.—The arbitration panel established under subsection (a) shall be comprised of 5 members.

(2) REQUIRED QUALIFICATIONS.—

(A) ECONOMIC AND ADMINISTRATIVE EXPERTISE.—At least 1 member of the arbitration panel established under subsection (a) shall have expertise in each of the following fields:

(i) Community economic development.

(ii) Administrative law.

(B) WATER RESOURCES EXPERTISE.—At least 3 members of the arbitration panel established under subsection (a) shall have technical expertise in water resources and other related scientific disciplines.

(3) NO FEMA EMPLOYEES.—No member of the arbitration panel established under subsection (a) shall be an employee of the Federal Emergency Management Agency.

(4) INDEPENDENCE.—Each member of the arbitration panel established under subsection (a) shall be independent and neutral.

(5) USE OF.—A community may choose to have a dispute resolved by the arbitration panel not later than 90 days after the appeal period described in section 4001(a) ends.

(c) CONSIDERATIONS.—

(1) IN GENERAL.—The arbitration panel established under subsection (a) may consider historical flood data and other data outside the scope of scientific or technical data in carrying out the duties and responsibilities of the arbitration panel.

(2) PROHIBITION.—In resolving any dispute under this section, the arbitration panel may not take into consideration the status of the grant application of any community under section 4.

(3) COORDINATION WITH CORPS OF ENGINEERS.—Upon request by the arbitration panel, the appropriate district office of jurisdiction of the United States Army Corps of Engineers shall fund and make available personnel or technical guidance to assist the arbitration panel in considering hydrological data, historical data, budgetary data, or other relevant information.

(d) COMMUNITY CHOICE.—A community may choose to have a dispute resolved by the arbitration panel only if the community has satisfied the following conditions:

(1) The community has appealed a base flood elevation determination or a determination of an area having special flood hazards and undergone a 30-day consultation period with the Administrator of the Federal Emergency Management Agency in an effort to resolve the dispute.

(2) The 30-day consultation period described in paragraph (1) shall begin upon the Administrator's receipt of notice of intent of the community to enter arbitration.

(3) In cases in which the appeal period described under paragraph (1) begins a sufficient time after the date of enactment of this Act, the community has adequately notified the public 180 days prior to the beginning of the appeal period regarding the changes proposed by the Administrator. Such notification may include individual notification of affected households, public meetings, or publication of proposed changes in local media.

(e) BINDING AUTHORITY.—

(1) IN GENERAL.—Any determination of resolution of a dispute by the arbitration panel under this section—

(A) shall be final and binding; and

(B) may not appeal or seek further relief for such dispute to any other administrative or judicial body.

(2) PROCEEDINGS.—

(A) IN GENERAL.—The arbitration panel shall—

(i) initiate proceedings to resolve any disputes brought before the arbitration panel;

(ii) consider all relevant information during the course of any such proceeding; and

(iii) issue a determination of resolution of the dispute, as soon as is practical after the initiation of such proceeding.

(B) EFFECT PRIOR TO DETERMINATION.—Until such time as the arbitration panel issues a determination of resolution under subparagraph (A), the most current Flood Insurance Rate Maps shall remain in effect.

(3) FINAL DETERMINATION.—Following deliberations, the arbitration panel shall issue a final determination of resolution of a dispute setting forth the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps. The final determination of the arbitration panel shall not be limited to either acceptance or denial of the position of Administrator of the Federal Emergency Management Agency or the position of the community.

(4) WRITTEN OPINION.—Accompanying any final determination of resolution issued pursuant to paragraph (3), the arbitration panel shall issue a written opinion fully explaining its decision, including all relevant information relied upon by the panel. The opinion issued under this paragraph shall provide communities seeking to mitigate their flood risk with sufficient information to make informed future planning decisions in light of identified flood hazards.

(f) RULE OF CONSTRUCTION.—Nothing contained in this section shall alter existing procedures for revision, update, or amendment of Flood Insurance Rate Maps, including Flood Insurance Rate Maps resulting from decisions of the arbitration panel.

(g) SUNSET.—This section shall cease to have effect 3 years after the date of enactment of this Act.

SEC. 4004. ELIGIBILITY FOR CERTAIN REIMBURSEMENTS FOR COMMUNITIES PARTICIPATING IN ARBITRATION.

(a) FUNDING.—For communities who enter arbitration pursuant to section 3, funds derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be made available to reimburse communities for certain expenses related to the collection of technical data related to Flood Insurance Rate Maps that are the subject of a dispute for which the arbitration panel established in this title has been directed to resolve, as allowed for pursuant to section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)).

(b) SUNSET.—This section shall cease to have effect on the date that is 3 years after the date of enactment of this title.

SA 4283. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

SEC. 2___. OUTER CONTINENTAL SHELF.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

''(e) OUTER CONTINENTAL SHELF.—

''(1) IN GENERAL.—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

''(2) INITIAL LIABILITY.—

''(A) IN GENERAL.—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a requirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of $300,000,000.

''(B) INDEMNIFICATION; PUBLIC LIABILITY.—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

''(i) to execute and maintain an indemnification agreement to indemnify and hold harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

''(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

''(iii) to waive any immunity from public liability conferred by law.

''(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

''(A) $1,000,000,000; or

''(B) such greater amount as may be required by the Secretary of the Interior.

''(4) LIABILITY OF INDUSTRY.—

''(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

''(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

''(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

''(ii) the total number of facilities operated by all entities on the outer Continental Shelf.''.

SA 4284. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ——. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) by inserting ''the Secretary of Commerce, and the Secretary of the department

in which the Coast Guard is operating,'' in subsection (c)(1) after ''Attorney General,'';

(2) in subsection (d)(1), by striking ''program,'' and all that follows and inserting ''program—

''(A) the Attorney General may, after consultation with the Federal Trade Commission, submit comments on the anticipated effects of such proposed program upon competition;

''(B) the Secretary of Commerce may submit comments on the anticipated effects of such proposed program on the human, marine, and coastal environments, including the likelihood of occurrence and potential severity of spills and chronic pollution;

''(C) the Secretary of the department in which the Coast Guard is operating may submit comments on the adequacy of the Federal government's response capabilities for spills and chronic pollution that may occur as a result of such proposed program; and

''(D) any State, local government, or other person may submit comments and recommendations as to any aspect of such proposed program.''; and

(3) by striking ''Attorney General'' in sub, section (d)(2) and inserting ''Attorney General, the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating,''.

SA 4285. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) For an additional amount for the Department of Justice, $178,000,000, to remain available until September 30, 2012, of which—

(1) $32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF's tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) $32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA's electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA's capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA's successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) $25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) $33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys' Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys' Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) $9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) $12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) $6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) $6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) $25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) $10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(c) For an additional amount for ''Salaries and Expenses'' of U.S. Customs and Border Protection, $64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and outbound inspection operations.

(d) For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' for U.S. Customs and Border Protection, $120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for ''Construction and Facilities Management'' for U.S. Customs and Border Protection, $12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading ''BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY'' under the heading ''U.S. CUSTOMS AND BORDER PROTECTION'' in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2145), $100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for ''Salaries and Expenses'' of U.S. Immigration and Customs Enforcement, $70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for ''Salaries and Expenses'' of the Federal Law Enforcement Training Center, $6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by $2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by $2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant's employees are H–1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

SA 4286. Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) For an additional amount for the Department of Justice, $178,000,000, to remain available until September 30, 2012, of which—

(1) $32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF's tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) $32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA's electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA's capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA's successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) $25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) $33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys' Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys' Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) $9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) $12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) $6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) $6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) $25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) $10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(b)(1) For an additional amount for ''Operation and Maintenance, Defense-Wide'', $50,000,000, to remain available until September 30, 2011, for, except as provided in paragraph (2), the deployment of 1,200 members of the National Guard to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the international land border between the United States and Mexico.

(2) The Secretary of Defense may transfer the amounts appropriated pursuant to paragraph (1) to amounts available to the Department of Defense for military personnel, operation and maintenance, and procurement.

(c) For an additional amount for ''Salaries and Expenses'' of U.S. Customs and Border Protection, $64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and outbound inspection operations.

(d) For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' for U.S. Customs and Border Protection, $120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for ''Construction and Facilities Management'' for U.S. Customs and Border Protection, $12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading ''BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY'' under the heading ''U.S. CUSTOMS AND BORDER PROTECTION'' in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2145), $100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for ''Salaries and Expenses'' of U.S. Immigration and Customs Enforcement, $70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for ''Salaries and Expenses'' of the Federal Law Enforcement Training Center, $6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by $2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by $2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant's employees are H–1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

SA 4287. Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002.

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

IN GENERAL.—Of the amounts appropriated or made available under Division B, Title III of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act for ISS Cargo Crew Services, $36,000,000 of the amounts appropriated are hereby rescinded.

SA 4288. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

SEC. 2___. OUTER CONTINENTAL SHELF.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

''(e) OUTER CONTINENTAL SHELF.—

''(1) IN GENERAL.—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

''(2) INITIAL LIABILITY.—

''(A) IN GENERAL.—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a requirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of $300,000,000.

''(B) INDEMNIFICATION; PUBLIC LIABILITY.—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

''(i) to execute and maintain an indemnification agreement to indemnify and hold

harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

''(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

''(iii) to waive any immunity from public liability conferred by law.

''(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

''(A) $1,000,000,000; or

''(B) such greater amount as may be required by the Secretary of the Interior.

''(4) LIABILITY OF INDUSTRY.—

''(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

''(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

''(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

''(ii) the total number of facilities operated by all entities on the outer Continental Shelf.''.

SA 4289. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—OIL SPILL LIABILITY

SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

SA 4290. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $10,000,000, to remain available until expended, of which not less than $5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses affected by the Deepwater Horizon oil spill:

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the ''oil spill'').

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

(i) education;
(ii) outreach;
(iii) intake;
(iv) language services;
(v) accounting services;
(vi) legal services offered pro bono or by a nonprofit organization;
(vii) damage assessments;
(viii) economic loss analysis;
(ix) collecting and preparing documentation; and
(x) assistance in the preparation and filing of claims or appeals;
(B) to provide assistance to individuals or businesses seeking assistance from or under—
(i) a party responsible for the oil spill;
(ii) the Oil Spill Liability Trust Fund;
(iii) an insurance policy; or
(iv) any other program administered by the Federal Government or a State or local government;
(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;
(D) to assist other organizations in—
(i) assisting specific business sectors;
(ii) providing services;
(iii) assisting specific jurisdictions; or
(iv) otherwise supporting operations; and
(E) to establish an advisory board of service providers and technical experts—
(i) to monitor the claims process relating to the oil spill; and
(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.
(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.
(d) PROVISION OF GRANTS.—
(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.
(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—
(A) the fishery and aquaculture industries;
(B) the restaurant, grocery, food processing, and food delivery industries; and
(C) the hotel and tourism industries.
(3) TRAINING.—
(A) IN GENERAL.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.
(B) FAILURE TO PROVIDE TRAINING.—If a responsible party fails to provide training pursuant to this paragraph, the Secretary shall request the Attorney General to bring civil action against the responsible party or a guarantor in an appropriate United States district court for that purpose.
(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—
(A) the date that is 6 years after the date on which the oil spill occurred; and
(B) the date on which all claims relating to the oil spill have been satisfied.
(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report describing the use of funds under this section.
(f) APPLICABILITY.—This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for any incident that occurred prior to the date of enactment of this Act.

SEC. 2003. EMERGENCY DESIGNATIONS.

(a) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
(b) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 4291. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. NATIONAL EMERGENCY GRANTS.

(a) APPROPRIATIONS FOR OIL SPILL RELIEF EMPLOYMENT.—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 ''Training and Employment Services'' for the Employment and Training Administration of the Department of Labor, to carry out the provisions of subsections (a)(5) and (h) of section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), $50,000,000. Such amount shall be available on the date of enactment of this section, notwithstanding section 189(g)(1) of that Act (29 U.S.C. 2939(g)(1)) and remain available through June 30, 2011.
(b) PROGRAMS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—
(1) in paragraph (3), by striking ''and'' at the end;
(2) in paragraph (4), by striking the period and inserting a semicolon; and
(3) by adding at the end the following:
''(5) to provide assistance to a State that is partially or completely within the boundaries of an area that is the subject of a presidential determination that additional resources are necessary to respond to an incident, as defined in subsection (h)(1)(A)(i)(I), to provide oil spill relief employment in the area and in offshore areas related to the incident, and related assistance, as described in subsection (h); and
''(6) to provide assistance to a State for technical assistance grants described in subsection (i).''.
(c) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:
''(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—
''(1) IN GENERAL.—Funds made available under subsection (a)(5)—
''(A)(i) shall be used to provide oil spill relief employment on—
''(I) projects regarding cleaning, restoration, renovation, repair, and reconstruction of lands, marshes, waters, structures, and facilities located within the area of an incident related to a spill classified as a spill of national significance for the National Contingency Plan under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (referred to in this subsection as an 'incident'), as well as offshore areas related to such incident; and
''(II) projects that provide food, clothing, shelter, and other humanitarian assistance to individuals adversely affected by the incident;
''(ii) may be expended to provide employment and training activities related to the projects described in clause (i);
''(iii) may be expended to provide personal protective equipment to employees engaged in oil spill relief employment described in clause (i); and
''(iv) may be used to make subgrants to public and private agencies and organizations to engage in the projects;
''(B) may be used to increase the capacity of States to make available the full range of services authorized under this title, and provide information (in languages appropriate to the individuals served) about, and access to, the range of the public and private services available, to individuals adversely affected by the incident, through one-stop delivery system described in section 134(c), and other access points (including other public facilities, mobile service delivery units, and social services offices); and
''(C) may be used to provide temporary employment by public sector entities for a period of not more than 6 months, in addition to the oil spill relief employment described in subparagraph (A).
''(2) ELIGIBILITY.—An individual shall be eligible for any services described in paragraph (1)(B) or employment described in subparagraph (A) or (C) of paragraph (1) if such individual—
''(A) is temporarily or permanently laid off as a consequence of the incident;
''(B) is a dislocated worker;
''(C) is a long-term unemployed individual; or
''(D) meets such other criteria as the Secretary may establish.
''(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than 6 months for oil spill relief employment related to response to a single incident. After reviewing a request from the State involved for an extension of the employment, the Secretary may extend such employment related to response to a single incident for not more than an additional 6 months.
''(4) APPLICATIONS FOR ASSISTANCE.—To be eligible to receive assistance for a State as described in paragraph (1), the Governor of the State shall submit an application to the Secretary at such time, in such manner, and containing—
''(A) a detailed description of how the State will ensure the capacity of the one-stop delivery system described in section 134(c) and other access points to—
''(i) provide individuals adversely affected by the incident with information, in languages appropriate to the individuals served, about the range of available services authorized under this title; and
''(ii) provide the adversely affected individuals with access to the range of the services;
''(B) a detailed description of how the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the incident in the assignment of temporary employment positions; and
''(C) any other supporting information the Secretary may require.
''(5) REIMBURSEMENT.—
''(A) IN GENERAL.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C.

2701 et seq.), with respect to an incident, is liable for any costs incurred by the United States under this subsection (including paragraph (7)) or subsection (a)(5) for the that incident. The responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for all of the costs as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5) for that incident.

''(B) ACTION.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court. The Attorney General shall bring the action for reimbursement of costs, in the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorney's fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of Oil Pollution Act of 1990 (33 U.S.C. 2704).

''(6) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to provide that assistance, subject to paragraph (3), to eligible individuals described in paragraph (2), including employees who have relocated from areas in which an incident has occurred. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State for fiscal year 2009, 2010, or 2011 under this section to provide that assistance to those eligible individuals. Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

''(7) RESERVATION OF FUNDS FOR ADMINISTRATIVE ACTIVITIES OF THE DEPARTMENT OF LABOR.—The Secretary may reserve not more than 1 percent of the funds available to carry out this subsection and transfer the reserved funds to appropriate Department of Labor accounts. The Secretary shall transfer the funds to accounts for program administration and support activities in the Department of Labor associated with this subsection, and for increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws (including regulations) associated with the Department's response to spills described in subsection (a)(5). Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

''(8) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing the use of the funds made available to carry out this subsection.''.

(d) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S. C. 2918), as amended by subsection (c), is further amended by adding at the end the following:

''(i) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—

''(1) GRANTS.—A State board shall use funds made available under subsection (a)(6) to provide, to eligible nonprofit organizations, technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this subsection as the 'oil spill'). Determinations of the criteria for eligible nonprofit organizations shall be made by the Secretary, except that the Secretary may elect to give a State board the authority to make such a determination within that State.

''(2) APPLICATION.—An organization that seeks to receive a grant under this subsection shall submit to the State board an application for the grant such time, in such form, and containing such information as the State board shall require.

''(3) PROVISION OF GRANTS.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the State board shall provide grants under this subsection.

''(B) NETWORKED ORGANIZATIONS.—The State board shall, to the maximum extent practicable, consider applications for grants under this subsection from organizations that have established networks with affected business sectors, including—

''(i) the fishery and aquaculture industries;

''(ii) the restaurant, grocery, food processing, and food delivery industries; and

''(iii) the hotel and tourism industries.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Funds from a grant provided under this subsection may be used by an eligible organization—

''(i) to support—

''(I) education;

''(II) outreach;

''(III) intake;

''(IV) language services;

''(V) accounting services;

''(VI) legal services offered pro bono or by a nonprofit organization;

''(VII) damage assessments;

''(VIII) economic loss analysis;

''(IX) collecting and preparing documentation; and

''(X) assistance in the preparation and filing of claims or appeals;

''(ii) to provide assistance to individuals or businesses seeking assistance from or under—

''(I) a party responsible for the oil spill;

''(II) the Oil Spill Liability Trust Fund;

''(III) an insurance policy; or

''(IV) any other program administered by the Federal Government or a State or local government;

''(iii) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

''(iv) to assist other organizations—

''(I) assisting specific business sectors;

''(II) providing services;

''(III) assisting specific jurisdictions; or

''(IV) otherwise supporting operations; and

''(v) to establish an advisory board of service providers and technical experts—

''(I) to monitor the claims process relating to the oil spill; and

''(II) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

''(B) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this subsection may not be used to provide compensation for damages or removal costs relating to the oil spill.

''(5) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this subsection, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

''(6) AVAILABILITY OF FUNDS.—Funds from a grant provided under this subsection shall be available until the later of, as determined by the Secretary—

''(A) the date that is 6 years after the date on which the oil spill occurred; and

''(B) the date on which all claims relating to the oil spill have been satisfied.''.

(e) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of enactment of this Act. The amendment made by subsection (c) applies to all responsible parties for incidents (as defined in section 173(h) of the Workforce Investment Act of 1998) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under the Oil Pollution Act of 1990 for such an incident that occurred prior to the date of enactment of this Act.

(f) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This section is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this section is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4292. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

SEC. 608. COMPLIANCE WITH ENVIRONMENTAL LAWS.

For an interoperable communications system facility for which construction began before June 1, 2009 using a grant made under section 573 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2093), section 10501 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3592), or section 603 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1882), if the facility is determined to be in compliance with Federal environmental laws under standards established by the Federal Communications Commission, the facility shall be deemed in compliance with standards established by the Federal Emergency Management Agency relating to Federal environmental laws.

SA 4293. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, after line 12 insert the following (or where best appropriate)

FEDERAL TRANSPARENCY

SEC 20. For all programs administered competitively or as sole source, the Secretary of the Department of Transportation, the Secretary of Housing and Urban Development and any other large agencies (with staffing over 500 FTEs) are required to file in the Federal Register the following transparency information, including, but limited, to information including the name, address and phone number of each successful grantee, and each grant award amount. Each agency shall provide the minimum criteria and process for the decisionmaking. Within three days prior to publication in the Federal Agency, all cost shares and leveraging of

funds within the grant program shall be included as well as any other sources of Federal, State or private funds. In addition, within three days of publication, each relevant agency shall be required to submit to the primary House and Senate committees all back-up information and materials on the methodology of the award selections, including how these awards are consistent with program assistance and goals; also included shall be all benchmarks and deadlines including rationales for the program(s).''.

SA 4294. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) LIABILITY FOR DEEPWATER HORIZON OIL SPILL.—

(1) IN GENERAL.—Congress finds that—

(A) executives of British Petroleum Exploration & Production, Incorporated (referred to in this subsection as ''BP'') testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(B) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is ''prepared to pay above $75 million'' on ''all legitimate claims'' relating to that explosion and oil spill;

(C) that offer is acceptable to Congress and to the Secretary of the Interior;

(D) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(E) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(F) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(2) DIRECTIVE TO SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this subsection as the ''Secretary'') shall—

(i) accept the new terms of liability offered by BP in the letter described in paragraph (1)(B); and

(ii) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(B) PAYMENT OF CLAIMS.—

(i) IN GENERAL.—As an inherent condition of the amended lease described in subparagraph (A), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(ii) FINDING OF LEGITIMACY.—As a further inherent condition of the amended lease, if the Secretary finds a claim described in clause (i) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

SA 4295. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXCISE TAX ON PATENT TERM EXTENSIONS.

(a) EXCISE TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS.—Chapter 36 of the Internal Revenue Code of 1986 is amended by adding after subchapter D the following new subchapter:

''Subchapter E—Tax on Patent Term Extensions Granted Pursuant to Certain Extension Requests

''SEC. 4491. IMPOSITION OF TAX.

''(a) IMPOSITION OF TAX.—A tax is hereby imposed on the acceptance of an extension of a patent term pursuant to a request under section 156(i) of title 35, United States Code.

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of tax imposed by subsection (a) shall be—

''(A) $65,000,000 with respect to any application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this section, for a drug intended for use in humans that is in the anticoagulant class of drugs; or

''(B) the amount determined under paragraph (2) with respect to any other application for a patent term extension.

''(2) CALCULATION OF TAX.—The amount determined under this paragraph is the amount which the Secretary estimates to be equal to the sum of—

''(A) any net increase in direct spending arising from the extension of the patent term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government),

''(B) any net decrease in revenues arising from such patent term extension, and

''(C) any indirect reduction in revenues associated with payment of the tax under this section.

''(3) DETERMINATION BY SECRETARY.—The Secretary, in determining the amount under paragraph (2), shall consult with the Director of the Office of Management and Budget, the Director of the United States Patent and Trademark Office, and either the Secretary of Health and Human Services or, in the case of a drug product subject to the Act commonly referred to as the 'Virus-Serum-Toxin Act' (21 U.S.C. 151 et seq.), the Secretary of Agriculture.

''(c) BY WHOM PAID.—The tax imposed by this section shall be paid by the owner of record of the patent, or its agent. The Director of the United States Patent and Trademark Office, after consultation with the Secretary, shall inform the owner of record of the patent, or its agent, of the tax determined under subsection (b) at the time the Director provides notice of the length of the period of the extension of the patent term that will become effective pursuant to a request under section 156(i) of title 35, United States Code.

''(d) PAYMENT.—The tax imposed by this section shall be payable within 60 days after the Director of the United States Patent and Trademark Office provides notice to the owner of record of the patent, or its agent, under subsection (c) of the amount of tax imposed. Unless such payment is made within such 60 days, a patent term extension pursuant to a request under section 156(i) of title 35, United States Code, shall not become effective and no tax shall be due under this section.

''(e) TAX PAYMENT NOT AVAILABLE FOR OBLIGATION.—Taxes received under this section are not available for obligation.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 36 of such Code is amended by adding after the item relating to subchapter D the following new item:

''SUBCHAPTER E. TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS.''.

(c) AMENDMENT.—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

''(i) ACCEPTANCE OF FILINGS IN CERTAIN CASES.—The Director shall accept an application under this section that was filed not later than 3 business days after the expiration of the 60-day period provided in subsection (d)(1) if the owner of record of the patent, or its agent, submits a request to the Director to proceed under this subsection not later than 5 business days after the expiration of that 60-day period. An application accepted by the Director under this subsection shall be treated as if it had been filed within the period specified in subsection (d)(1).''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 156(d)(1) of title 35, United States Code, is amended in the second sentence, by inserting ''or subsection (i)'' after ''paragraph (5)''.

(2) Section 156 (e)(2) of title 35, United States Code, is amended by inserting ''or before a request under subsection (i) respecting the application is resolved'' after ''respecting the application'' and inserting ''certificate of extension'' after ''such''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to any application for a patent term extension pursuant to section 156 of title 35, United States Code—

(A) that is made on or after the date of the enactment of this Act, or

(B) that, on the date of the enactment of this Act, is pending, that is described in section 4491(b)(1)(A) of the Internal Revenue Code of 1986 as added by subsection (a) of this section, or as to which a decision denying the application is subject to judicial review on such date.

(2) TREATMENT OF CERTAIN APPLICATIONS.—In the case of any application described in paragraph (1)(B), the 5-business-day period specified in section 156(i) of title 35, United States Code, as added by subsection (c) of this section, shall be deemed to begin on the date of the enactment of this Act, and, if the original term of the patent to be extended has expired, any extension or interim extension of the term of the patent granted pursuant to a request under section 156(i) of title 35, United States Code, shall be effective from the original expiration date of the patent.

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI, and rule XXII, Paragraph 2, for the purpose of

proposing and considering the following amendment to H.R. 4899, including germaneness requirements:

At the appropriate place, insert the following:

SEC. ___. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the Supplemental Appropriations Act, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 180 days after the date of the enactment of the Supplemental Appropriations Act, 2010, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this section; and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Wednesday, June 9, 2010, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2891, a bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; S. 2779/H.R. 3671, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; S. 3387, a bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes; S. 3404, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; and H.R. 4252 to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at or Gina Weinstock.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. 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 May 25, 2010, at 10 a.m. in room 430 of the Dirksen building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 26, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m., to hold an African Affairs subcommittee hearing entitled ''Assessing Challenges and Opportunities for Peace in Sudan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on May 26, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Legality and Efficacy of Line-Item Veto Proposals.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 26, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2010, from 2–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Daniel Garbe, a State Department fellow, and Jeffrey Moulton, a military fellow, who are working in Senator TED KAUFMAN's office, be granted the privileges of the floor for the duration of the Senate's consideration of H.R. 4899, the supplemental appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNIZING JUNE 2010 AS HHT MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP

Committee be discharged from further consideration of S. Res. 508 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 508) recognizing June 2010 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 508) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 508

Whereas, according to the HHT Foundation International, Hereditary Hemorrhagic Telangiecstasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 people worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas according to the HHT Foundation International, 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas according to the HHT Foundation International, due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas the HHT Foundation International estimates that 20 to 40 percent of complications and sudden death due to these ''vascular time bombs'' are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2010 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that $6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

NATIONAL BRAIN TUMOR AWARENESS MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Res. 537.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537) designating May 2010 as ''National Brain Tumor Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 537

Whereas 62,000 Americans are diagnosed with a primary brain tumor each year and 150,000 more are diagnosed with a metastatic brain tumor that results from cancer spreading from another part of the body to the brain;

Whereas brain tumors are the leading cause of death from solid tumors in children under the age of 20 and are the third leading cause of death from cancer in young adults ages between the ages of 20 and 39;

Whereas brain tumors may be malignant or benign, but can be life-threatening in either case;

Whereas 612,000 Americans have been diagnosed and are living with a brain tumor;

Whereas the treatment of brain tumors is complicated by the fact that more than 120 different types of brain tumors exist;

Whereas the treatment of brain tumors presents significant challenges because of—

(1) the location of brain tumors in an enclosed bony canal;

(2) the difficulty of delivering treatment across the blood-brain barrier;

(3) the obstacles to complete surgical removal of the tumors; and

(4) the serious edema that results when the blood-brain barrier is disrupted;

Whereas brain tumors have been described as a disease that affects the essence of ''self'';

Whereas brain tumor research is supported by a number of private nonprofit research foundations and by institutes at the National Institutes of Health, including the National Cancer Institute and the National Institute for Neurological Disorders and Stroke;

Whereas important advances have been made in understanding brain tumors, including the genetic characterization of glioblastoma multiforme, 1 of the deadliest forms of brain tumor;

Whereas advances in basic research may fuel the research and development of new treatments;

Whereas daunting obstacles still remain to the development of new treatments, and no strategies for the screening or early detection of brain tumors exist;

Whereas a need for greater public awareness of brain tumors exists, including awareness of the difficulties associated with research on brain tumors and the opportunities for advances in brain tumor research and treatment; and

Whereas May, when brain tumor advocates nationwide unite in awareness, outreach, and advocacy activities, would be an appropriate month to recognize as National Brain Tumor Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2010 as ''National Brain Tumor Awareness Month'';

(2) encourages increased awareness of brain tumors to honor those individuals who have lost their lives to brain tumors, as well as those individuals who are living with brain tumors;

(3) supports efforts to develop better treatments for brain tumors that will improve the quality of life and their long-term prognosis of those individuals diagnosed with a brain tumor;

(4) expresses the support of the Senate for those individuals who are battling brain tumors, as well as the families, friends, and caregivers of those individuals; and

(5) urges a collaborative public-private approach to brain tumor research as the best means of advancing basic knowledge of, and treatments for, brain tumors.

NATIONAL SMALL BUSINESS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 540 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 540) honoring the entrepreneurial spirit of small business in the United States during ''National Small Business Week,'' beginning May 23, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 540) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation's innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, ''National Small Business Week'' will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as ''National Small Business Week'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during ''National Small Business Week'', beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

ORDERS FOR THURSDAY, MAY 27, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Thursday, May 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4899, as provided for under the previous order; further, I ask that the filing deadline for second degree amendments be 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tonight we were able to reach an agreement that would provide for a series of up to seven rollcall votes beginning at approximately 10 a.m. tomorrow morning.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, if there is no further business coming before the Senate, I ask unanimous consent that it recess under the previous order, following the remarks of Senator KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATENT TERM RESTORATION

Mr. KERRY. Mr. President, I wish to send an amendment to the desk for the purpose of filing at a later time, if it is appropriate. Can they simply hold it at the desk?

The PRESIDING OFFICER. The amendment can be received at the desk.

Mr. KERRY. Mr. President, the amendment I have sent to the desk is an amendment that is very important. It is important to us in Massachusetts, but it is also important to a certain number of companies in this country that may find themselves in a similar situation.

I wish to express my strong support on the Senate floor tonight for the inclusion of this amendment in the upcoming House tax extenders bill. The purpose of this amendment is to fix a complete anomaly in the patent law that is vital to our State. Let me explain.

The House provision that is being contemplated will allow for a patent application to be filed up to 30 days late, with a penalty to be paid by the filer to the Patent and Trademark Office. This provision has been drafted so that it can be included in the tax extenders bill. Let me explain why this is important and what it does.

The Medicines Company, which is a New Jersey startup company, licensed Angiomax. That is the name of the product. It is a synthetic blood thinner. That company invested $200 million in R&D, and it gained FDA approval for this product.

In 2001, the Angiomax's patent term restoration application was unintentionally filed after the close of business on the day of the filing deadline. It was filed electronically. Because it was filed electronically on the day of the deadline beyond the close of business in the office, in terms of daytime presence, it was deemed to be filed 1 day late. It was ruled as being filed 1 day late by the Patent and Trademark Office subsequently.

I remember when I was in law school, people taught me often that sometimes

the law can have a rigidity that has no common sense and no application to day-to-day life. We had a more pejorative term for what we called the law under those circumstances.

The fact is, as a result, the Medicines Company lost almost 5 years of earned patent protection with a value of roughly $1 billion.

As former Surgeon General Dr. Louis Sullivan said:

> The fate of this corrective provision could be a matter of life and death for tens of thousands of patients. The reality is that stark. As drug innovators develop pioneering medicines, the benefits available to patients are increasing. These medical innovators' ability to conduct lifesaving research should not be thwarted by a confusing filing deadline.

That was the Surgeon General of the United States speaking.

The provision I submitted in an amendment will simply allow for a patent application to be filed up to 30 days late, not just for this company but for any company in a similar situation, with a penalty to be paid by them to the Patent and Trademark Office.

Is this something out of the ordinary? No, it is not. Existing patent law provides grace periods in up to 30 similar situations. But it provides no grace period for a late patent term restoration application, just one aberration within the framework of patent filings. This provision is consistent with the Hatch-Waxman patent restoration filing process and over 30 other provisions of patent law which provide for deadline adjustments in order to avoid precisely the kind of drastic and disproportionate result we see in this situation. The provision provides a modest 3-day grace period if the filing delay is unintentional. It also requires successful applicants to pay the U.S. Treasury a late filing fee to offset any cost to the Federal Government.

Twice during the 110th Congress, the House passed legislation unanimously to correct this anomaly. The Senate Judiciary Committee reported a similar provision offered by Senator Kennedy on a bipartisan vote of 14 to 2. Unfortunately, these provisions were not enacted into law during the 110th Congress. During this Congress, despite the efforts of Senate Judiciary Chairman LEAHY, the Senate has not found the moment to consider this critically needed patent reform legislation.

The Congressional Budget Office projects that the provision will produce approximately $30 million in new revenues to our government over the next 10 years. Two recent independent economic studies confirm that the provision will save up to $1.3 billion in costs for the private hospital system over the course of the next 10 years.

Nearly 50 of the Nation's leading doctors have written to Congress urging the enactment of this provision because it will allow lifesaving medical research in the treatment and prevention of heart disease and stroke—the first and third leading causes of death and disability in the United States—to move forward. Without this critical legislation, many thousands of patients will be consigned to continued medical treatment with antiquated drugs rather than safer, modern synthetic innovations.

Unless the provision is enacted promptly, up to 3,500 jobs in 6 States may be lost, including up to 2,500 in the State of Massachusetts. These jobs include irreplaceable high-skilled jobs developed by small business medical innovators. At this moment in our economy, the last thing we want to do is strip ourselves of revenues, strip ourselves of income, strip ourselves of jobs, and leave our patients in a less cared for and potentially lifesaving environment than they would be with this. Mr. President, we can't afford to allow that to happen, and I don't think Congress should allow a bureaucratic misinterpretation of the law to hurt our Nation's public health and to cause severe job losses. The provision's enactment will prevent these job losses, and it will create new highly skilled jobs.

The amendment provides a 3-day grace period for the filing of Hatch-Waxman patent term restoration applications. This provision of a grace period, as I said, is consistent with more than 30 other provisions of patent law.

The bill corrects a harmful and confusing procedural anomaly that has caused 78 percent of medical innovators—78 percent—to miscalculate the deadline to regain the patent life they earned during the costly and rigorous FDA review process.

So I reiterate: The current filing period is so confusing that only 22 out of 100 medical innovators have been able to calculate the law's 60-day filing period accurately. The current filing period is a trap for the unaware, and penalties are vastly out of proportion to the impact of having accidentally missed by a few hours, when you actually file correctly on the same day, the application that is due.

Mr. President, I hope this amendment will be in the tax extenders bill, and I intend to fight to see that it is. I think it is an appropriate public policy decision in the best interests of our country and of the American citizens.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate will stand in recess until Thursday, May 27, at 9:30 a.m.

Thereupon, the Senate, at 7:36 p.m., recessed until Thursday, May 27, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MATTHEW J. BRYZA, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

MARK CHARLES STORELLA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANCIS H. KEARNEY III

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 brigadier general

COL. WALTER T. LORD

EXTENSIONS OF REMARKS

POCKET-VETO POWERS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. PELOSI. Madam Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Republican Leader, Mr. BOEHNER. It is addressed to President Obama. In it, we express our views on the limits of the "pocket-veto" power. I also submit a copy of the letters referenced therein.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
May 24, 2010.

Hon. BARACK OBAMA,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions of December 30, 2009, on House Joint Resolution 64, a short-term continuing resolution of appropriations that was presented to you on December 19, 2009. That measure was intended to accommodate your review and approval of the regular appropriations but was rendered unnecessary when you were able to act swiftly on the regular appropriations. You therefore decided not to approve the joint resolution. Although you cited The Pocket Veto Case, 279 U.S. 655 (1929), you returned the parchment to the House with a memorandum of disapproval stating that you wanted to leave no doubt that the joint resolution was being vetoed as unnecessary.

You acted on the joint resolution on the ninth day of the 10-day period during which you could approve it. The standing rules of the House made the Clerk available to receive your message. The House and Senate stood adjourned sine die but with provision for reassembly of the first session and with the certainty of reassembly for the second session of the instant Congress. Thus, each body was in a position to reconsider the vetoed measure in light of your objections, either in the second session or even in the first session.

The circumstances surrounding the presentment and return of House Joint Resolution 64 and the readiness of Congress to reconsider the joint resolution in light of Presidential objections compel us to question the assertion that a pocket veto did or could have occurred. We think you agree that the pocket veto and the return veto are available on mutually exclusive bases and, therefore, during mutually exclusive periods. We think you also should agree that the constitutional concern that a measure not become law without the President's signature when an adjournment prevents a return veto does not arise when the President is able to return the parchment to the originating House with a statement of his objections. Accordingly, we believe that your return of House Joint Resolution 64 with your objections is absolutely inconsistent with this most essential characteristic of a pocket veto, to wit: retention of the parchment by the President for lack of a legislative body to whom he might return it with his objections. Your successful return of House Joint Resolution 64 establishes that you were not prevented from returning it.

After an enrolled measure is presented for Presidential approval, the parchment ultimately meets one of four ends. It might be tendered to the Archivist by the President because he signed it or allowed it to become law without his signature. It might be referred to committee by the first house to sustain a veto. It might be tendered to the Archivist by the second house to override a veto. Or it might be retained by the President because he "pocketed" it. If the President returns a parchment to the Congress, then he has not pocketed it, and it therefore is subject to reconsideration. Either the Congress has prevented the President from returning the parchment with a statement of his objections or it has not. By returning the parchment a President is admitting that he is not prevented from returning it.

The House has treated your message of December 30, 2009, on House Joint Resolution 64 as a return veto. On January 12, 2010, the message—comprising the parchment and your memorandum of disapproval—was laid before the House. After the memorandum was read, your objections were entered in the Journal and the House obeyed the command of the Constitution to "proceed to reconsider" the joint resolution. Rather than immediately considering the ultimate question of overriding or sustaining the veto, the House chose as its first mode of reconsideration a postponement until January 13, 2010. On that day the House reconsidered the joint resolution in light of your objections and voted by the yeas and nays on the question of overriding or sustaining the veto. The House sustained your return veto.

We enclose for your consideration copies of previous letters to President George H. W. Bush, to President Clinton, and to President George W. Bush, respectively dated November 21, 1989, September 7, 2000, and April 14, 2008. Those letters from Speaker Foley and Leader Michel, from Speaker Hastert and Leader Gephardt, and from the two undersigned, respectively, expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,
Speaker of the House.

JOHN A. BOEHNER,
Republican Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 14, 2008.

Hon. GEORGE W. BUSH,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions of December 28, 2007, on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, which you returned to the House of Representatives without your approval. In returning the parchment you transmitted a memorandum of disapproval stating your objections to enactment of the bill. This memorandum of disapproval included the following paragraph:

"The adjournment of the Congress has prevented my return of H.R. 1585 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to 'pocket veto' bills during an adjournment of the Congress, I am also sending H.R. 1585 to the Clerk of the House of Representatives, along with this memorandum setting forth my objections, to avoid unnecessary litigation about the non-enactment of the bill that results from my withholding approval and to leave no doubt that the bill is being vetoed."

The circumstances surrounding the presentment and return of H.R. 1585 and the readiness of Congress to reconsider the bill in light of Presidential objections compel us to question the assertion that a pocket veto did or could have occurred. We think you agree that the pocket veto and the return veto are available on mutually exclusive bases and, therefore, during mutually exclusive periods. We think you should also agree that the constitutional concern that a bill not become law without the President's signature when an adjournment prevents a return veto does not arise when the President is able to return the parchment to the originating House with a statement of his objections. Accordingly, we believe that your return of H.R. 1585 with your objections is absolutely inconsistent with this most essential characteristic of a pocket veto, to wit: retention of the parchment by the President for lack of any body to whom he might return it with his objections. Your successful return of H.R. 1585 establishes that you were not prevented from returning it.

H.R. 1585 was presented to you on December 19, 2007. You returned the bill on December 28, 2007—the eighth of the ten days allowed under the Constitution. The Clerk was available pursuant to the standing rules of the House to receive your message. The Congress was in a position to reconsider the bill in light of Presidential objections, even in the first session of the instant Congress. Although the House had adjourned sine die (without specifying a day of return), it did so with provision for its reassembly. Moreover, both houses were to reassemble in due course for a second session of the instant Congress.

After an enrolled bill is presented for Presidential approval, the parchment ultimately meets one of four ends. It might be tendered to the Archivist by the President because he signed it or allowed it to become law without his signature. It might be referred to committee by the first house to sustain a veto. It might be tendered to the Archivist by the second house to override a veto. Or it might be retained by the President because he "pocketed" it. If the President returns a parchment to the Congress, then he has not pocketed it, and it therefore is subject to reconsideration. Either the Congress has prevented the President from returning the parchment with a statement of his objections or it has not. By returning the parchment a President is admitting that he is not prevented from returning it.

The House has treated your message of December 28, 2007, on H.R. 1585 as a return veto. On January 15, 2008, the message—comprising the parchment and your memorandum of disapproval—was laid before the House. After the memorandum was read, your objections were entered in the Journal and the House obeyed the command of the

Constitution to ''proceed to reconsider'' the bill. Rather than immediately considering the ultimate question on overriding or sustaining the veto, the House chose as its first mode of reconsideration a referral to committee.

We enclose for your consideration copies of previous letters to President George H. W. Bush and President Clinton, respectively dated November 21, 1989, and September 7, 2000. Those letters from Speaker Foley and Leader Michel and from Speaker Hastert and Leader Gephardt expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,
Speaker of the House.
JOHN A. BOEHNER,
Republican Leader.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to ''pocket veto'' bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that ''[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.'' It also states our belief that it is not ''constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation.'' The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of ''pocket veto'' authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the ''pocket veto'' is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.
RICHARD A. GEPHARDT,
Democratic Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would ''prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it.'' You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a ''hand enrollment'' of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that ''pocket veto'' is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.
ROBERT H. MICHEL,
Republican Leader.

HONORING THE AMBASSADOR OF UKRAINE OLEH SHAMSHUR

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Oleh Shamshur for his distinguished service as Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States.

Since his appointment in December 2005, Ambassador Shamshur has worked tirelessly and effectively to strengthen the strategic partnership between Ukraine and the United States. As Co-Chairman of the Congressional Ukrainian Caucus, I have had the honor of partnering with him on issues affecting Ukraine as well as the Ukrainian American community in Southeastern Pennsylvania.

Specifically, Ambassador Shamshur played an important role in the lifting the Jackson-Vanick trade restrictions, which has benefitted the U.S. and Ukraine by opening new markets and expanded opportunities for entrepreneurs and job creators in both nations.

This month, Ambassador Shamshur will be leaving his post to pursue new opportunities of his own. Friends and colleagues will honor his accomplishments during a dinner on May 26, 2010 at the Metropolitan Club of the City of Washington.

Madam Speaker, I ask that my colleagues join me today in recognizing Ambassador Oleh Shamshur for his exemplary service and valuable contributions to strengthening the ties between the United States and Ukraine and in extending best wishes for continued success in his future endeavors.

HONORING THE MARINES AND CORPSMEN OF THE 3RD BATTALION, 25TH MARINES INFANTRY REGIMENT ON MEMORIAL DAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CANTOR. Madam Speaker, I rise today to honor those who have answered the call of duty for their country and made the ultimate sacrifice. I would like to call on everyone to reflect this Memorial Day on those service members who have sacrificed their lives for this country and the family members who were left behind.

I would like to honor my constituent, Nathan Huffman, USMC Sgt. Ret., and other Marine Reservists from the 3rd Battalion, 25th Marines Infantry Regiment and fellow Corpsmen, who served their country honorably from March 2005 to October 2005 in Al Anbar Province during Operation Iraqi Freedom. This Memorial Day, Sgt. Huffman has organized a Memorial Day Ultra Marathon in honor of their 48 fallen Marines and Corpsmen who perished during their service in Iraq, and the many other service members who have given their lives while serving our country.

Sgt. Huffman will depart the Virginia War Memorial in Richmond, Virginia along with many of his fellow Marines, Corpsmen, friends, and supporters and run day and night to cover the over 100-mile journey which will end at the U.S. Marine Corps War Memorial. The purpose of this ultra marathon from Richmond to Washington, D.C. is to commemorate the core values of Memorial Day and honor the fallen. In the words of Staff Sergeant Joseph Goodrich on his reflection of Memorial Day, ''I started looking at all of the headstones with flags in front of them. I started thinking about who they were, how they lived, how they died and what they did for me . . . I swore to myself that I would not let them down. They sacrificed, and gave to me something I could never repay; freedom.'' Sgt. Goodrich was killed in Iraq on July 10, 2005.

Madam Speaker, I rise today to honor the memory of the many courageous men and women who have given their lives in the service of our great Nation, and their widows, mothers, fathers, sons, and daughters who are left behind. They have not given their lives in vain—rather they have offered their valor and dedication to a grateful Nation. Sgt. Huffman and his fellow runners have heard and answered a second call of duty to remind our Nation to never forget the fallen, the wounded, and loved ones who have lost their heroes. Please join me in recognizing their efforts and those of our brave troops and let us never forget their sacrifices.

HONORING COMMANDER DONALD GAITHER

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. ELLSWORTH. Madam Speaker, I rise today to pay honor and tribute to the late Commander Donald Gaither, a founder of the elite Navy SEALs, for his 27 years of service in the U.S. Navy.

Commander Gaither was a native Hoosier and one we are all proud of. Commander Gaither was born in Daviess County, Indiana and graduated from Washington High School in 1937. While serving on his first submarine, the USS Swordfish, the submarine engine room was damaged during battle. In performance of his duties as chief motor machinist, he was awarded the Silver Star medal for distinguished submarine service.

Commander Gaither's U.S. Navy career continued to be characterized by strong leadership and consistent work. As he rose through the ranks from apprentice seaman to commander, he was highly regarded by those who worked under him. During his time in the Navy, Commander Gaither served as an executive officer in Underwater Demolitions, a precursor to the Navy SEALs. After the Korean War, Congress considered eliminating the Underwater Demolitions Program. Commander Gaither came to Congress and persuaded Congress to keep the program. The Underwater Demolitions Program was later expanded into the Navy SEALs, making Commander Gaither one of the founding fathers of the Navy SEALs.

Commander Gaither's success in the Navy is a tribute to what hard work and determination can accomplish. Commander Gaither spent countless hours studying and preparing for each Navy promotion he received. His work ethic was only matched by his strong leadership skills. Although Commander Gaither died of natural causes post-retirement, his 27 years of service through three wars represent a lifetime commitment to serving our country.

Today, I ask all members of Congress to join me as we honor the life of Commander Donald Gaither of the U.S. Navy, an accomplished war veteran who courageously served to better the lives of all American citizens.

RECOGNIZING ROBIN ARRENDONDO-SAVAGE'S INDUCTION AS A MEMBER OF THE TEMPE CITY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Robin Arrendondo-Savage on her recent induction as a member of the Tempe City Council.

Robin is a lifelong resident of my hometown of Tempe who has always been actively involved in our community. Previously the Chairman of the Tempe Chamber of Commerce and a small business manager, she has shown a commitment to the development of jobs and the growth of the economy in Tempe. Through this and her position as the President of the Tempe Union High School District Governing Board, Robin has proven herself to be a strong and dedicated leader and public servant for her community and its youth.

Robin is also a U.S. Army veteran who served our nation with distinction. She has shown that same commitment and dedication in the many community boards, commissions and youth sports activities where she has volunteered her time. I am honored to call Robin a friend and I look forward to seeing what her future in public service brings to our community.

Madam Speaker, please join me in recognizing Robin Arrendondo-Savage's induction as a member of the Tempe City Council.

UNITED STATES-ISRAEL ROCKET AND MISSLE DEFENSE COOPERATION AND SUPPORT ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. WAXMAN. Madam Speaker. I rise in strong support of H.R. 5327, a bill authorizing critical funding to ensure Israel's security. Ever since President Kennedy first approved the sale of Hawk missiles to Israel in 1962, U.S.-Israel cooperation on defensive missile systems has developed into a productive strategic partnership that safeguards the security of our ally Israel while advancing our own military edge.

Iron Dome, the program supported by this bill, is a system of anti-missile batteries capable of intercepting the short- and medium-range Qassam, Katyusha, and Grad rockets that have been used by Hamas and Hezbollah to terrorize Northern and Southern Israel.

The successful testing of the first two operational batteries earlier this year demonstrated the system's ability to revolutionize Israel's ability to defend against these attacks. The bill before us authorizes $205 million for Israel to build and deploy 10 more mobile batteries that will be available for rapid deployment wherever and whenever needed. And it is important to note that our own military stands to benefit from the advanced radar and other technologies that are components of this system.

During its 34-day war with Israel in 2006, the Iranian-backed Hezbollah movement unleashed nearly 4,000 rockets against Northern Israel. In the 5 years following Israel's complete withdrawal from Gaza in 2005, Hamas has unleashed 6,000 rockets on Southern Israel. Until now, Israel has had no defenses against such weapons.

The Obama administration deserves tremendous credit for this initiative and its hands-on efforts to advance Israel's defensive capability at a critical time.

It is no secret that Hezbollah and Hamas are rebuilding their arsenals. Hezbollah is believed to have rearmed with some 45,000 rockets and missiles, including Scud missiles and other weapons that can hit Tel Aviv or Jerusalem. Iran continues smuggling weapons material to Hamas via Egypt.

It is also no secret that Iran has in the past used its terrorist proxies in Lebanon and Gaza to provoke Israel and divert international attention from its nuclear program and its defiance of international law. The 2006 Lebanon war, which was precipitated by Hezbollah's kidnapping of three Israeli soldiers, happened just as the IAEA was recommending that the United Nations demand that Iran suspend all enrichment-related and reprocessing activities.

This investment to upgrade Israel's security is essential as the administration and Congress intensify efforts to pressure Iran with sanctions.

I urge my colleagues to support this measure. I look forward to the full deployment of Iron Dome, and I hope that the region moves toward a peaceful future that will obviate its need.

RECOGNIZING TONYA WOODS FOR HER COMMITMENT TO STUDENTS AND EDUCATION IN THE STATE OF ARKANSAS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Tonya Woods, for her achievement of being named the Arkansas Elementary School Assistant Principal of the Year for her work at T.G. Smith Elementary School in Springdale.

Woods is a graduate of John Brown University and earned her master's from the University of Arkansas in Fayetteville. She is looking to continue her education, and is now interviewing for a Ph.D. program.

Woods has been committed to education as an administrator for the past 5 years at Smith Elementary. Her hard work and commitment to students serves as an inspiration to her coworkers.

Woods is constantly looking for creative ways to improve the lives of her students and that is why she received this honor. Her efforts have brought innovative resources to the school through promoting technology in the classroom, establishing a homework club that encourages children to excel in their studies and overseeing a program aimed at preparing students for the Arkansas Benchmark exams.

It is the efforts of educators like Tonya Woods that will enable our future generations to reach their full potential and I am proud of her commitment to education and her efforts to improve the lives of students in Arkansas.

IN TRIBUTE TO KEN STARR

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to my friend, Ken Starr, who is leaving his post overlooking Malibu, California, and the Pacific Ocean as dean of Pepperdine University's School of Law to return to his native Texas as Baylor University's 14th president.

Judge Starr has had a long and storied career. After graduating law school, he became a clerk for then-Chief Justice Warren Burger. He left Justice Burger to work as an attorney in Los Angeles for several years before returning to Washington, DC, in 1981 to serve under U.S. Attorney General William French Smith.

Judge Starr was a federal judge on the D.C. Circuit Court of Appeals from 1983 to 1989 and was U.S. Solicitor General from 1989 to 1993. While on the bench, Judge Starr won the respect of both political parties. He was often mentioned as a potential U.S. Supreme Court nominee.

In 1994, Judge Starr was appointed independent counsel to continue the investigation into the Whitewater land transactions begun by Robert Fiske. He was charged with investigating several allegations connected to President Clinton, eventually issuing a report on President Clinton's intentional cover-up in the Monica Lewinsky case, which led to the President's impeachment.

On April 6, 2004, Judge Starr was appointed dean of Pepperdine University's School of Law—the second time the post was offered.

During the Whitewater investigation and impeachment hearings, Judge Starr was painted by his enemies and the media as a wild-eyed zealot whose only goal was to bring down the presidency. The Judge Starr I know, and the Judge Starr history will record, is a soft-spoken and intelligent attorney and judge whose only goal has always been to serve the law.

For the past 6 years, he has inspired young legal minds at Pepperdine University to embrace that goal as well. Beginning June 1, he will inspire young minds at Baylor.

Madam Speaker, I know my colleagues will join me in congratulating Judge Starr for his appointment as president of Baylor University and in thanking him for his dedication to our up-and-coming leaders, for his contribution to the legal community, and for his long and distinguished service to our country.

RECOGNIZING THE 65TH ANNIVERSARY OF THE SKY HARBOR COMPOSITE SQUADRON 301 OF THE CIVIL AIR PATROL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the 65th anniversary of the Sky Harbor Composite Squadron 301 of the Civil Air Patrol. The Squadron has been a prominent pillar within the Phoenix community since its inception in 1945 when it aided in the war effort in World War II.

Originally, the Civil Air Patrol was established to employ civilian pilots during wartime to watch over the coastlines for possible enemy threats. After the war, the Civil Air Patrol evolved into an organization which delivers humanitarian aid and engages in search and rescue missions. Though the focus has changed, the legacy of benevolence still endures today.

Sky Harbor Composite Squadron 301 also gives young men and women the opportunity to learn more about aerospace science. In addition to acquiring the necessary knowledge and skills for the aerospace field, the people that make up Sky Harbor Composite Squadron 301 volunteer and serve the community of Phoenix with valor.

Madam Speaker, please join me in recognizing the Sky Harbor Composite Squadron 301 of the Civil Air Patrol's 65 years of outstanding service and expressing gratitude to all of the volunteers that have dedicated their time in service to others.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MANZULLO. Madam Speaker, on Monday, May 24, 2010, and Tuesday, May 25, 2010, I missed a series of votes because I was recovering from an illness. If I had been here, I would have voted "yea" on rollcall No. 291, "yea" on rollcall No. 292, "yea" on rollcall No. 293, "yea" on rollcall No. 294, "yea" on rollcall No. 295, "yea" on rollcall No. 296, "yea" on rollcall No. 297, "yea" on rollcall No. 298, "yes" on rollcall No. 299, "yea" on rollcall No. 300, and "yea" on rollcall No. 301.

CONGRATULATING APPALACHIAN REGIONAL HEALTHCARE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to congratulate Appalachian Regional Healthcare for being honored as the 2010 Outstanding Rural Health Organization by the National Rural Health Association.

Appalachian Regional Healthcare, ARH, is a not-for-profit health system which is the largest provider of care and single largest employer in southeastern Kentucky. Throughout its nine hospitals, as well as in multi-specialty physician practices, home health agencies, HomeCare Stores and retail pharmacies, ARH provides our region with crucial quality health care to 350,000 residents across eastern Kentucky and southern West Virginia. The ARH system employs 4,700 employees who are firmly committed to its mission of improving the health and promoting the well-being of all people in eastern Kentucky and Southern West Virginia. For ARH, providing quality and affordable coverage is the utmost priority. In the past 12 months, ARH provided more than $107 million in uncompensated care for the uninsured and underinsured.

Each year, the National Rural Health Association honors outstanding individuals and organizations in the field of rural health. The Outstanding Rural Health Organization Award recognizes any group or organization that has improved access to health services and information for people in rural areas through innovative, comprehensive approaches. Factors considered for the award include outreach, preventative health and education, quality and efficiency of care, and strong community support and involvement.

Madam Speaker, I ask my colleagues to join me in congratulating this bright star in my region. The Board of Trustees, and the fine doctors, nurses and staff of ARH should be very proud of their accomplishment and recognition of their unwavering efforts to provide quality health care to working families, children, and seniors.

MARINA PSHICHENKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Marina Pshichenko who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Marina Pshichenko is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Marina Pshichenko is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Marina Pshichenko for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

AZERBAIJAN AND ISRAEL: GOOD FRIENDS UNDER SIEGE FROM IRAN

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MAFFEI. Madam Speaker, unfortunately, good relations between the State of Israel and Muslim nations are the exception rather than the rule. Everyone knows about the establishment of diplomatic relations between Israel and Egypt as part of the Camp David Accords, which led to the assassination of President Anwar Sadat of Egypt. Israel's neighbor, Jordan, Under King Hussein and his son, King Abdullah II, have also developed good ties with Israel.

More typical than Israeli-Egyptian or Israeli-Jordanian relations in the public's eye is the poisonous relationship between Iran and Israel, a situation fueled by the unrelenting hostility and anti-Semitism of Iranian President Mahmoud Ahmadinejad and the Supreme Leader, Grand Ayatollah Khamenei.

Iran and its particular brand of Shi'ite Islam seem particularly hostile toward Israel, which is understandably nervous not just about Iran's nuclear ambitions but its strong financial support of Hezbollah and its terrorist activities right in Lebanon, the West Bank, and Gaza.

Given this situation, it would be surprising to most to learn that one of Israel's strongest friends in the region is Azerbaijan, a former Soviet Republic, with over a 90 percent Shi'ite population that has adopted a secular style completely opposed to Iran's sectarian government. Azerbaijan has chosen a very different path from that of its southern neighbor, even though there are over 20 million ethnic Azeris living in Iran, including the Grand Ayatollah himself, who is of Azeri descent.

One possible explanation for Azerbaijan's positive relationship with Israel is the presence of a strong Jewish community in Azerbaijan for over 2,500 years. By all accounts, these Azeri Jews have always been well treated and never subject to the types of discrimination and hostility that confronted Jews, not just in Muslim nations, but the Christian nations of Europe.

Israel and Azerbaijan established diplomatic relations in 1993, and Israel opened an Embassy in Baku one year later. Cultural ties also increased at this time. In 1994, a Yeshiva was opened in Baku, and other Jewish schools established years later. A new Jewish synagogue, one of the largest, if not the largest in Europe, opened in Baku in 1993 and currently there are synagogues in several other Azeri cities.

Prominent Israeli visitors to Baku have included then-Prime Minister Benjamin Netanyahu in 1997, President Shimon Peres in June, 2009 and in 2010 Foreign Minister Avigdor Lieberman. Israeli trade, diplomatic and cultural missions to Azerbaijan are common place, and Israel is Azerbaijan's fifth largest trading partner, exporting over $3.5 billion per year to Israel, including supplying over a quarter of Israel's oil supply. Israeli exports and direct investments in Azerbaijan are also growing, creating strong economic ties between the two nations.

On a political front, Israel and Azerbaijan cooperate closely on security issues. Israel supplies significant military equipment to Azerbaijan and Azerbaijan provides Israel with valuable intelligence support, particularly regarding Iran. The two nations also work together to combat the growth of radical Islam.

The close political, cultural, economic and security relations between Israel and a majority Shi'a but secular Azerbaijan present a model that needs to be encouraged, cultivated and spread throughout the Muslim world. However, this will not happen by itself, and, unless the United States begins to focus more on Azerbaijan's importance in the region, the very existence of this positive Azeri-Israeli relationship could be put in jeopardy.

I would like to include in the RECORD a recent article from Radio Free Europe/Radio Liberty, published on March 9, 2010, ''The Blooming Friendship Between Azerbaijan and Israel,'' by Anna Zamejc. The article quotes Baku-born former Israeli Knesset member Yosef Shagal on Azerbaijan's friendship with Israel'' ''Today, everyone understands why Iran wants to block the Azerbaijani-Israeli rapprochement by any means . . . It is one of the most important strategic priorities of the Islamic republic. Teheran is perfectly aware of the following: the stronger the connection between Baku and Jerusalem, the more weakened Iran will be.''

Zamejc goes on to discuss the tremendous pressure Iran is placing on Azerbaijan to cut its ties with Israel, pressure which is becoming more and more difficult to resist without strong support from the West, particularly the United States. The United States has spent too much blood, treasure and diplomatic capital trying to build peaceful relations between Israel and its Muslim neighbors for it to let this great example of success slip away.

It is important that we pay greater attention to Azerbaijan for economic, strategic and security reasons, and in particular respond affirmatively to Azerbaijan either when it cooperates with the United States in these areas or demonstrates that a Muslim nation both can and should have positive relations with the State of Israel.

RECOGNIZING BEN ARRENDONDO, RETIRING MEMBER OF THE TEMPE CITY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Ben Arrendondo and his 16 years of service as a member of the Tempe City Council. I wish to thank him for his dedication to public service and look forward to seeing his future accomplishments within our community.

Councilmember Arrendondo's contribution to Tempe has been both earnest and extensive. His years of teaching and service on school boards and the City Council have revealed him to be a fierce champion for improvement of education and commitment to our youth and to the community. As a former teacher and Mayor of Tempe, I respect and share Ben's commitment to public service and education, and wish to thank him for his tireless efforts and leadership.

Though Ben will be retiring from the Tempe City Council, his service to his community will surely continue in other capacities. Also, his family's legacy of service to Tempe will continue through his niece, Robin Arrendondo-Savage, who was recently elected to the City Council. I am honored to call Ben a friend, and I wish him all the best in his next endeavor.

Madam Speaker, please join me in recognizing Ben Arrendondo's 16 years of outstanding service as a member of the Tempe City Council.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. LANGEVIN. Madam Speaker, on May 25, 2010, I was unavoidably detained and unable to be in the chamber for a Roll Call vote. Had I been present, I would have voted ''yea'' on Roll Call number 298, H.R. 3885, the Veterans Dog Training Therapy Act.

HONORING COMMUNITY HOPE ON ITS 25TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Community Hope, headquartered in Parsippany, Morris County, New Jersey, which celebrates its 25th anniversary in 2010.

In 1985, a group of mental health professionals and families formed Community Hope with the mission of providing a safe haven for the continuing recovery of young adults afflicted by chronic mental illness. The organization began with one residential facility, staffed by professional counselors capable of assisting individuals in making the transition back to

community and family life. The founders of Community Hope strove to help these individuals break the cycle of repeated psychiatric hospitalizations with personalized therapeutic care coupled with in-residence treatment.

In 2004, Community Hope took advantage of its experience with residential recovery programs and opened its doors to former service men and women in need. It is now the largest transitional housing program in New Jersey for homeless veterans at Lyons Veterans Administration Medical Center in Bernards Township.

Community Hope has been extraordinarily successful in helping young men and women afflicted with chronic mental illness—it now boasts thirty-nine residential facilities, serving 300 individuals. The organization has also taken steps toward creating permanent, affordable housing for New Jersey veterans afflicted with post-traumatic stress syndrome, traumatic brain injury, and physical disabilities incurred in combat.

Community Hope's success is due in no small part to its philosophy. The organization believes all persons with serious mental illness have the potential to live successfully in the community if they are able to view their future with hope. Through a holistic approach that addresses each individual's total needs, the counselors at Community Hope instill confidence in these young men and women, encouraging each individual to grow to his or her maximum potential, both individually and socially.

Madam Speaker, I ask you and my colleagues to join me in congratulating Community Hope on the occasion of its 25th anniversary, celebrating years of service to those with chronic mental illness and our veterans.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to recognize a distinguished couple that exemplifies the ideals of Asian Pacific Islander American, APIA, Month, Mr. Truc Ho and his wife, Ms. Dieu Quyen. Truc Ho and Dieu Quyen have made tremendous contributions to Orange County, in particular to the Vietnamese American community.

As a refugee, Truc Ho escaped communist Vietnam, arriving to the United States in 1981. He is a talented songwriter, composer, and a successful producer. His music and humanitarian efforts have touched the hearts of the Vietnamese communities around the world. Truc is also the CEO of Saigon Broadcasting TV Network, the first 24 hour Vietnamese language channel.

Ms. Dieu Quyen Nguyen immigrated to the United States in 1978 at the age of 14. She is a graduate from Cal State Long Beach and is a teacher at Pacifica High School in Garden Grove. Dieu is a dedicated educator and community activist. She serves as a board member for the Council of Vietnamese Language Schools, and is a television news anchor for SBTN–TV and ASIA Entertainment.

Together this dynamic duo is known for their philanthropic contributions in helping human trafficking victims; Vietnamese refugees; raising awareness on human rights violations in Vietnam; and preserving the Vietnamese language and culture.

Please join me in recognizing these outstanding individuals that have enriched the culture in my district, in Orange County.

RECOGNIZING JORDAN ELEMENTARY FOR PARTICIPATION IN THE WALK ON! CHALLENGE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize the grant awarded to Jordan Elementary in Chandler, Arizona for Blue Cross Blue Shield of Arizona's 2010 Walk On! Challenge. I wish to applaud the students, teachers and staff of Jordan Elementary for their enthusiastic participation in the Walk On! Challenge.

The Walk On! Challenge increases the knowledge of both the issue of childhood obesity and the necessity for exercise and good health in our youth. As a teacher for almost 28 years, I understand the importance of addressing these issues through a hands-on approach.

By applying for and receiving this grant, and participating in this program, Jordan Elementary and its educators have taken a significant step towards alerting our community to the problem of obesity and stimulating a positive response. Through their help, we can help instill good habits for children that will lead to an active and healthy lifestyle, and help to solve the problem of obesity within our community.

This is truly an inspiring and encouraging initiative to undertake within the community, and I would like to once again thank the entire Jordan Elementary community for addressing it.

CHRISTOPHER K. LYNCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher K. Lynch. 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 205, 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 earned the 12-Month Camper and World Conservation Awards. Christopher has also contributed to his community through his Eagle Scout project. Christopher constructed several shelters located around the athletic fields of First Bible Baptist Church of Blue Springs, Missouri.

Madam Speaker, I proudly ask you to join me in commending Christopher K. Lynch 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 ACCOMPLISHMENTS OF JOHNNY MAJORS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. TANNER. Madam Speaker, I rise today alongside our colleague Mr. SHULER, to recognize the lifetime accomplishments of our friend, former University of Tennessee football coach Johnny Majors.

Johnny is from a remarkable football family in Lynchburg, Tennessee. His father Shirley was the patriarch of a family of Tennessee football royalty. He was the head coach at Sewanee, the University of the South, for 21 years and had five sons who played college football.

Johnny and his brother Joe played high school football for the Huntland Hornets, where their father coached, and their sister Shirley-Ann was a cheerleader. The team won the state championship in 1951. Johnny, along with two of his brothers, Bill and Bob, would all go on to play for my alma mater, the University of Tennessee. His brother Larry played for the University of the South at Sewanee.

His brother, Joe Majors, a close friend of mine, was the starting quarterback at Florida State University and also played for the University of Alabama. He was an accomplished attorney; a former member of the Tennessee State House of Representatives, and a well-respected and popular figure on Capitol Hill. Everyone who had the pleasure to know him or work with him, as I did, was saddened when he passed away in 2007.

Johnny Majors stayed with football all of his life. In college, he was a triple-threat tailback at the University of Tennessee. Johnny was an All-American and runner-up for the Heisman Trophy in 1956. He played for the Montreal Alouettes of the Canadian Football League for one year and then moved on to several coaching positions.

Johnny was head football coach for the Iowa State University Cyclones for five seasons before taking over the football program at the University of Pittsburgh, where he helped win the National Championship with the Pittsburgh Panthers in 1976 and was honored as the National Coach of the Year.

Luckily for our alma mater, Johnny Majors decided to return to the University of Tennessee in 1977. While there, he reached remarkable success in the 1980s and early 1990s by winning three SEC Championships—in 1985, 1989 and again in 1990. His time there included one particularly noteworthy season in 1989, when the Majors-led Vols followed a 5–6 season with an 11–1 season, the largest turnaround of the year. Johnny retired from NCAA coaching after the 1996 season.

Over the years, Johnny Majors has been recognized as a self-less player and a capable, dedicated leader. He was admitted into the College Football Hall of Fame in 1987, where his biography reads, ''Few who have followed college football over the years will soon forget the gridiron magic created by a certain skinny tailback. . . Even [his] name

had a special ring to it. It wasn't Jones or Smith or Thompson. It was Majors. . .. In his senior year Majors led Tennessee to an undefeated season, He ran, passed, punted, and even blocked. He was one of college football's best punters.''

Johnny and his wife Mary Lynn live in Knoxville, where he is still known not only as a former player and coach but as a leader in the community. Mary Lynn, a remarkable and talented woman in her own right, and my wife Betty Ann have become friends over the last few years. The Majors' collective contribution to our state and nation are an inspiration to all those who know them.

One other thing: Coach Majors, as President of the Nike Coach of the Year Clinic, has promoted and assisted the United States Marine Corps in coaching clinics across America. Johnny Majors is a dedicated patriot.

Madam Speaker, I also want the House to hear from our colleague, Mr. SHULER, who had the honor of playing for Coach Majors at the University of Tennessee.

HONORING THE ACCOMPLISHMENTS OF JOHNNY MAJORS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SHULER. Madam Speaker, I rise today, accompanied by my colleague Mr. TANNER, to honor the achievements of Johnny Majors, former football coach of the University of Tennessee.

For 16 years, from 1977–1992, the University of Tennessee enjoyed the privilege of having Coach Majors pace the sidelines of Shields-Watkins field. Throughout his many years at the University of Tennessee Coach Majors maintained a high level of success, winning three championships in arguably one of the most competitive sports leagues in the country.

As a young man, I remember the excitement surrounding Coach Majors' visit to my home town of Bryson City, North Carolina. He was seen by many in my community as the epitome of football. He came to visit me and my family to talk about the possibility of me coming to the University of Tennessee. We expected his visit to focus primarily on the game and the football program at UT. However, Coach Majors' concerns were more about the importance of a strong education, the responsibility of leading by example, and his insistence that regardless of where you might be in your life, UT alumni are always part of the UT family.

Coaches often play a vital role in raising the youth of a community. Not only do they instill values such as hard work and dedication, but can also teach young people valuable life lessons of honor and good will. Coach Johnny Majors not only bred success on the field, but encouraged his student athletes to conduct themselves with integrity and honesty. To have a man of his character coach me was a true honor and a privilege.

Madam Speaker, I thank Mr. TANNER for his thoughtful statement regarding my coach and friend, Johnny Majors. I ask my colleagues join me in celebrating this great man's accomplishments, both on and off the football field. and off the football field.

ENHANCED VISITOR EXPERIENCE FOR TOURISTS AT YOSEMITE NATIONAL PARK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. RADANOVICH. Madam Speaker, I am pleased to introduce legislation today supporting a project that provides an enhanced visitor experience for tourists at Yosemite National Park and an additional administrative site for employees outside the Park boundaries.

Yosemite is the crown jewel of the National Park System; each year over 3.5 million visitors travel to Yosemite to enjoy the scenic vistas, hiking, and Valley destinations. This proposed legislation authorizes the National Park Service to purchase up to 18 acres of land in Mariposa County, from willing sellers, for visitor and administrative uses. The proposed site for this center will be at the junction of State Highway 140 and State Highway 49, located in Mariposa just outside the Arch Rock entrance to Yosemite National Park. A visitor center at this location will not only provide Yosemite National Park with an opportunity to enhance their visitor services, it will be a tourist destination for travelers in the gateway community of Mariposa as well.

This non-controversial bill enjoys a broad array of local support including the Mariposa County Board of Supervisors, Chamber of Commerce, Economic Development Corporation, and County Tourism Bureau, in addition to the current Superintendent of Yosemite National Park and the Yosemite Fund. Additionally, this authorizing legislation is PAY-GO neutral and does not authorize direct spending.

Madam Speaker, I am eager to lend my support to a project that will benefit the local economy of Mariposa by providing tourism opportunities as well as enhancing the visitor experience at Yosemite National Park. I urge my colleagues to join me in supporting this legislation as it moves through Congress.

TRIBUTE TO OUR NATIONS' SOLDIERS AND VETERANS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mrs. LOWEY. Madam Speaker, each year on Memorial Day, Americans take a day to express their gratitude and honor the memory of the men and women who have given their lives in service to our nation. This experience of patriotism and civic consciousness is a time to reflect on the bravery and commitment of those who have answered the call to serve and our responsibilities to uphold the ideals for which they fought.

In Congress, this is a time to recommit ourselves to caring for those who served our country and their families. They have fulfilled their obligations to the American people, and we must fulfill our obligations to them.

That's why I am pleased Congress has provided historic increases of 60 percent since 2007 for health care and other services for our veterans. In fiscal year 2010, Congress increased funding by $15.3 billion over last year's level and $747 million above the administration's request. Congress and President Obama also passed a law to fund veterans' medical care one year in advance to ensure timely and uninterrupted funding for veterans' health care system.

To support our active duty personnel, I supported a 3.4 percent military pay increase, a $3 billion increase in funding for Defense Health Programs, and a $3.46 billion increase for equipment in the field.

While I am pleased Congress is providing robust funding to care for our military and veterans, much work remains to be done such as ensuring increased resources for PTSD and other mental health issues, resolving the continued backlogs of veterans' claims, and concurrent receipt.

The courage of our military and our veterans is an inspiration to us all, and we thank them all for their service and sacrifice to protect our freedoms. The thoughts and prayers of our entire nation are with the men and women serving today, those who have bravely served, and the families of those whose ultimate sacrifice will never be forgotten.

Madam Speaker, I ask my colleagues to join me in paying tribute to our nation's brave soldiers and veterans.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt surpassed $13 trillion.

To put this in perspective, on January 6th, 2009, the start of the 111th Congress, the national debt was $10.6 trillion.

This means we have increased the debt by 18 percent in just 16 months. This debt and its interest payments we are passing to our children and all future Americans. There is simply no way that we can maintain this type of spending without destroying our Nation.

We know what happens to individuals that bury themselves in debt. We know what happens to companies and institutions that fail to maintain balanced books. And we know what happens to nations that spend this irresponsibly. We need only look overseas to the effects of such disastrous fiscal policies. But for some reason, a reason that wholly escapes me, the current administration and the majority in Congress continue to move forward with their ruinous plans.

There is no reasonable national policy that can be implemented that assumes a national debt increasing by 18 percent in just 16 months. I think the fact that the House doesn't appear to be considering a budget this year proves that the Majority knows that as well but wants to hide the magnitude of the problem from the American people. We need to rein in this spending and address our deficit, our debt, and preserve our future.

RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL COUNCIL FOR INTERNATIONAL VISITORS, AND EXPRESSING SUPPORT FOR DESIGNATION OF FEBRUARY 16, 2011, AS ''CITIZEN DIPLOMACY DAY''

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MORAN of Virginia. Madam Speaker, I ask that my colleagues join me in recognizing the 50th anniversary of the National Council for International Visitors, NCIV—a nonprofit leader in citizen diplomacy—and supporting designation of February 16, 2011, as ''Citizen Diplomacy Day.''

NCIV is a membership association, with members based in congressional districts throughout the nation, dedicated to promoting excellence in citizen diplomacy—the concept that individual citizens have the right and responsibility to help shape U.S. foreign relations ''one handshake at a time.'' NCIV's nationwide network comprises 92 community organizations as well as federal agencies, associate members, and individuals. With leadership and training provided by NCIV, member organizations create professional connections, provide cultural activities, and offer home hospitality opportunities for foreign leaders and specialists. Each year, the aggregate efforts of NCIV members involve more than 80,000 volunteers.

The NCIV network is the private-sector partner of the U.S. Department of State for the International Visitor Leadership Program, IVLP, a long-standing, successful initiative for strengthening U.S. foreign relations. More than 285 current and former heads of state (including F.W. de Klerk, Anwar Sadat, Manmohan Singh, Nicolas Sarkozy, and Morgan Tsvangarai) and approximately 1,700 cabinet-level ministers have participated in the IVLP, which U.S. ambassadors have repeatedly ranked first among 63 U.S. public diplomacy initiatives.

Through citizen diplomacy, the NCIV network and the IVLP have positively affected hundreds of thousands of lives in America and abroad—among countless other ways, by:

Empowering a key reformer to stand up for democracy and freedom following the February 2010 coup in Niger;

Introducing high school students in Reno, Nevada, to Moroccan journalists and Afghan women leaders;

Sharing best practices with leaders of Malaysian disaster-relief nonprofits in the wake of a devastating earthquake and tsunami;

Connecting an environmental and water resources engineering firm from Portland, Oregon, to business opportunities with China; and

Breaking stereotypes about Americans for a Yemeni governance and conflict management expert.

The success of NCIV is based on patriotic citizens, entrepreneurs, and small businesses coming together to help promote America abroad while boosting the local economy. By working with the State Department, NCIV is an important source of income for many throughout the U.S. based on the increased economic activity generated by international visitors. Nearly the entire IVLP budget is spent within the United States, where it generates millions of dollars in local economic activity. NCIV members raise an additional $6 for every dollar they receive in federal funding, all of which is spent locally. Furthermore, by bringing foreign leaders to U.S. schools, government agencies, and businesses, the NCIV network and the IVLP help U.S. communities build a more globally literate, competitive workforce.

Please join me in demonstrating congressional support for this national network of citizen diplomats by recognizing NCIV's 50th anniversary and recommending designation of February 16, 2011, as Citizen Diplomacy Day.

COSPONSORS OF LEGISLATION INTRODUCED BY THE REP. JIM MORAN

The Honorable Donald Manzullo, the Honorable Howard Coble, the Honorable Keith Ellison, the Honorable Eddie Bernice Johnson, the Honorable Lee Terry, the Honorable Mark Steven Kirk, the Honorable Peter Welch, the Honorable Betty McCollum, the Honorable Patrick Murphy, the Honorable John Boozman, the Honorable Sue Wilkins Myrick, the Honorable Steven Rothman, the Honorable Denny Rehberg, the Honorable Jan Schakowsky, the Honorable Daniel B. Maffei.

EXPRESSING SUPPORT FOR DESIGNATION OF MAY AS NATIONAL FOSTER CARE MONTH AND ACKNOWLEDGING THE RESPONSIBILITY THAT CONGRESS HAS TO PROMOTE SAFETY, WELL-BEING, IMPROVED OUTCOMES, AND PERMANENCY FOR THE NATION'S COLLECTIVE CHILDREN

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1339, which expresses the House of Representatives' support for the designation of May as National Foster Care Month and recognizes the important role that foster parents play in the lives of children across the country. There are nearly 500,000 children in America's foster care system. Many of these children come from troubled backgrounds and turbulent pasts. America's foster parents take these children in and show them the care and attention that they deserve as they wait to be reunited with their families or adopted into new, loving families.

I thank Chairman LEVIN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman MCDERMOTT, for working to increase public awareness about the critical role that the foster care system plays in our society.

In my home State of California, there are nearly 80,000 children in the foster care system, a majority of whom were placed there by the State as a result of parental abuse or neglect. Foster parents play a critical role in the lives of some the most vulnerable youths in California and across the country. They help hold our Nation's social fabric together by ensuring that thousands of young people in this country stay on track towards successful futures.

Designating May as National Foster Care Month is a way to encourage responsible and caring adults to serve as foster parents. Unfortunately, there is currently a shortage in the number of foster parents available. There are less than 3 foster homes for every 10 children living under the State's care.

While the foster care system provides a vital service in our society, children in foster homes often face special challenges. In 2008, 123,000 of the 273,000 children in the foster care system were waiting to be adopted into new homes. However, by the end of the year, only 55,000 were adopted out of foster care. Foster children who are not adopted or reunited with their families often end up ''aging out'' of the foster care system. These children who ''age out'' of the system are in need of resources to help them afford higher education opportunities, find affordable housing and quality health insurance, and achieve steady employment. This is a social demand to which Congress must respond.

Past legislative initiatives to invest in our country's foster care system include the Adoption Assistance and Safe Families Act of 1980, the Adoption and Safe Families Act of 1997, and the Fostering Connections to Success and Increasing Adoptions Act of 2008. These initiatives recognized the need to provide increased resources for foster families and a sense of stability for foster children, 65 percent of whom experience a minimum of seven school changes while in the system. Congress must continue working to improve the foster care system, so that all children within this system can develop and mature in young adults with bright futures.

I salute the selflessness and hard work that foster parents demonstrate each day when they care for a child who had been displaced from his or her family. I offer my sincere support for dedicating the month of May as National Foster Care Month. I urge my colleagues to join me in supporting H. Res. 1339.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. BACA. Mr. Speaker, I rise today in support of House Resolution 1316, Celebrating Asian/Pacific American Heritage Month.

As an original cosponsor of this bill, I am proud to stand here today and speak on this important resolution.

This is a nation of immigrants and it is always important to take time, and recognize the contributions that different cultures and ethnicities have made to our society and our American way of life.

Today, the Asian/Pacific community is one of the fastest growing populations in America.

Over 15 million Americans claim Asian descent and over 1 million residents claim Native Hawaiian descent. By 2050, the Census bureau estimates that over 40 million residents will claim Asian/Pacific descent.

Since the time the first Asian immigrants came to America in 1843, these individuals have had a profound effect on our history.

A large number of Asian immigrants helped to complete the transcontinental railroad.

Today, Asian/Pacific Americans continue to contribute, and many have had distinguished

careers in public service, giving back to the country they love so much.

Indeed, three members of the President's Cabinet—Secretary Locke, Secretary Chu, and Secretary Shinseki—are Asian Americans.

Thirty Members of Congress are of Asian or Pacific descent as well, including my good friend Mr. HONDA, who has done an admirable job championing this cause.

Celebrating Asian/Pacific Heritage Month provides Americans with an opportunity to celebrate our diversity and recognize the achievements, contributions, and rich history that these individuals have shared with us.

It is for these reasons that I urge all my colleagues to vote in favor of H. Res. 1316.

HONORING FRANK BRANSON FOR BEING NAMED AMONG THE BEST TEXAS LAWYERS IN 2010

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to extend my warmest congratulations to Frank Branson of Dallas on being honored by the 2010 Edition of the Best Lawyers in America and recognized as one of Texas's best lawyers.

Best Lawyers is the oldest and most respected peer-review publication in the legal profession. Best Lawyers compiles lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. In the U.S., Best Lawyers publishes an annual referral guide, The Best Lawyers in America, which includes 39,766 attorneys in 80 practice areas, covering all 50 states and the District of Columbia.

Mr. Branson is the founder of Dallas' The Law Offices of Frank L. Branson, a nationally recognized litigation firm. A graduate of SMU Law, Mr. Branson joins a distinguished list of alumni to earn the annual honor, which is based on outstanding achievements, public service and commitment to the legal profession.

Mr. Branson has secured record courtroom recoveries and landmark verdicts for clients seriously injured by dangerous products, medical negligence, transportation injuries, industrial catastrophes, and, in recent years, commercial torts. He is a past president of the Southern Trial Lawyers Association, Dallas Trial Lawyers Association, and Dallas Chapter of the American Board of Trial Advocates. Additionally, he is a fellow in the International Academy of Trial Lawyers and the International Society of Barristers.

Throughout his career Mr. Branson has consistently prided himself in his tenacious preparation, as well as his imagination in the courtroom. His firm has a nationwide reputation for its use of advanced, state-of-the-art trial techniques such as digital video, computer animation, medical art and individualized anatomical models.

Mr. Branson's prestige within the law community has been acknowledged since 1987. Forbes magazine recognized him as one of the most successful trial lawyers in the country, and D CEO Magazine recently named him as one of the top five lawyers corporate adversaries never want to face in court. His trial work was highlighted in The National Law Journal's Top 100 Verdicts in America in 2007.

Mr. Branson's importance to Dallas extends beyond the legal community. He has been recognized by the Vietnam Veterans of America's distinguished service award and the American Heart Foundation's Chip Moody Eagle Award. Mr. Branson is also a Garland Community Hospital Trustee.

Madam Speaker, I would like to join with the people of Dallas in commending Frank Branson on his continual striving for excellence within the field of law and congratulate him on this well-deserved recognition.

TRIBUTE TO ELISE JONES MARTIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a community leader whose tremendous contributions were recently recognized with a new housing development named in her honor. Mrs. Elise Jones Martin has spent her entire life advocating for her community and it is fitting and I think proper, that a new neighborhood in the community that she has devoted her life to will now bear her name.

Elise Jones Martin is a native of Hartsville, South Carolina. She graduated from Essex High School in New Jersey, but returned to her beloved South Carolina in the 1930s to opened a beauty salon in Columbia's thriving African American business corridor along Washington Street.

In addition to running her business, Mrs. Martin also furthered her education with trade and teacher training courses at Allen University, Benedict College and South Carolina State University. She went on to teach cosmetology at Booker T. Washington High School. She later became the first African American woman to open a business on Columbia's Main Street.

Throughout her life, she worked on behalf of building strong communities. In the 1960s, her mother organized the Jones-McDonald Club to ensure neighbors took an active part in maintaining their neighborhood. After her mother passed away, Mrs. Martin carried the mantle for the organization. Even well into her 80s, Mrs. Martin walked door to door to meet new neighbors and to encourage them to join the Jones-McDonald Club. With Mrs. Martin's influence, the club has grown beyond its initial purpose. Today it hosts an annual Easter brunch, produces a newsletter, and boasts the participation of elected city officials and religious leaders.

Mrs. Martin was also instrumental in providing community input for a Hope VI project that revitalized a former barrack-style housing complex in Columbia. Her belief that the home and the neighborhood are the foundations to producing solid, contributing citizens helped develop a philosophy for the new family-friendly development that replaced the warehouse approach of the former housing project.

She has taken her passion for building strong communities with her into public service. Mrs. Martin was a member of the Columbia Zoning board for a number of years, serving until her late 80s. She was also an active member of Keep America Beautiful of the Midlands.

She performed another community service by heading her voting precinct for more than 30 years. While working at the polls during the 2008 Presidential primary, she had the honor of meeting then Senator Barack Obama.

Mrs. Martin is an advocate also for early detection of cancer. Using her speaking and leadership skills, she has traveled on behalf of the American Cancer Society's Best Chance Program, educating men and women about the warning signs of breast and prostate cancer.

She has been an active member of Bethel AME Church since arriving in Columbia in the 1930s, where she has served on the Board of Education, Steward Board, and the gospel choir. She is a recipient of the Queen Esther Award, which is one of the highest honors for women at Bethel AME.

Her organization memberships include: Board of Directors of the Drew Park, Renaissance Foundation Board, James E. Clyburn Golf Center Board, City Lighting Committee, City of Columbia Citizens Advisory Committee for Community Development, several neighborhood crime prevention programs, and the W.A. Perry Middle School support group.

Mrs. Martin has received numerous awards for her service including recognition by the American Cancer Society, the Columbia City Council, the Columbia Alumnae Chapter of Delta Sigma Theta Sorority, and Richland County School District One. On May 1, 2010, she added the honor of the dedication of The Elise Jones Martin Place to her long list of accomplishments.

Madam Speaker, I ask you and my colleagues to join me today in recognizing the contributions of a true community leader. Mrs. Elise Jones Martin has spent her entire life giving back to her community and improving the quality of life for her neighbors. I am pleased to call Mrs. Martin a friend, and I add my voice to those of so many others in thanking her for her selfless service. She is a remarkable individual who is deserving of our appreciation.

HONORING THE SEVEN GOLD STAR MEMBERS OF THE WELSH BETHEL BAPTIST CHURCH WHO SACRIFICED THEIR LIVES DURING WORLD WAR I AND WORLD WAR II

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the seven Gold Star Members of the Welsh Bethel Baptist Church in Wilkes-Barre, Pennsylvania.

The Welsh Bethel Baptist Church was founded in 1884.

During the 1940s, the Church established an Honor Roll of all of the members of the Church who served during World War II. In total, 111 members of the Church served in World War II, including 110 men and 1 woman.

The Church would honor those who were killed in action during the War by placing a gold star next to their name on the Honor Roll. Six members of the Church were killed in action during World War II and received this honor.

About ten years ago, the Church recognized its only member to be killed in action during World War I by adding his name to the Honor Roll along with a gold star.

Every year on Memorial Day, the Church holds a ceremony to honor its seven Gold Star Members.

On Sunday, May 30, 2010 the Church will pay tribute to the seven Gold Star Members of the Church by dedicating a memorial stone in front of the church in their honor.

The seven Gold Star Members, and Wilkes-Barre natives, being honored are:

Private William Robbins who was killed in Germany in World War I. He was only sixteen years old.

Private First Class Charles Grosspietsch who was killed in Luzon in the Philippines during World War II. He was 20 years old.

Corporal Kenneth Hobbs who was killed in Whelan, Germany during World War II. He was 28 years old.

Private First Class Robert Hummel who was killed in Germany during World War II. He was 21 years old.

Private William Parry, Jr. who died at Normandy during World War II. He was 24 years old.

Private William L. Richards who was killed in Anzio, Italy during World War II. He was 22 years old.

Staff Sergeant Thomas D. Williams who was killed in Russeisheim, Germany during World War II. He was 24 years old.

The memorial stone will be unveiled by Jack Johnson, the last surviving World War II veteran of the Church.

Madam Speaker, please join me in honoring these brave men who gave their lives protecting our country. This stone will serve as a reminder for future generations of the ultimate sacrifice made by these seven men who came before them.

SOCIAL SECURITY AND MEDICARE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today in support of seniors, Social Security and Medicare.

Social Security and Medicare are among the most important programs ever created by our Government. Older Americans have worked hard and sacrificed themselves to ensure a better, stronger country for future generations. They deserve a secure, healthy retirement.

Together, Social Security and Medicare have helped tens of millions of seniors avoid poverty, enjoy better health, and maintain a respectable standard of living. For countless seniors, Medicare has literally saved their lives, giving access to medical treatment they would otherwise have been unable to afford.

These programs are a measure of what we truly value, and who we are as a Nation.

It was not always this way. Prior to the establishment of Medicare in 1965, a serious illness or hospitalization could easily bankrupt not only a senior, but his or her entire family. A single serious illness—a round of pneumonia, or a broken hip—could render an elderly man or woman destitute. Too often, our elders simply went without needed medical care, suffering and even dying because decent health care was out of reach.

I bring this up today to underscore the need for vigilance in protecting Medicare and Social Security from those that seek to privatize these vital programs. Indeed, the retirement and health security of today's retirees, today's workers, and future generations rests on the decisions that Congress makes on these programs.

During the year-long debate over health care reform, we heard a great deal of rhetoric from our Republican colleagues about the need to protect Medicare. Yet when given the chance to strengthen Medicare by providing better benefits, lowering costs, and preserving Medicare's solvency for years to come, my Republican colleagues unanimously voted no.

In opposing Health Care Reform, my colleagues said no to free preventive care for seniors, no to ending the 'donut hole' for prescription drug coverage and lowering prescription drug costs, and no to more time with and better access to primary care physicians.

Further, while erroneously assailing health reform legislation as detrimental to seniors and Medicare, the ranking Republican member on the House Committee on the Budget introduced H.R. 4529, the Roadmap for America's Future, which purports to rescue and strengthen Medicare, Medicaid, and Social Security, allowing them to fulfill their missions and making them permanently solvent—all while putting the federal budget on a sustainable path. If this were true, I would be the first in line to cosponsor the legislation.

However, analysis of the ''Roadmap for America's Future'' by the Center on Budget and Policy Priorities revealed the plan ''would raise taxes for most middle-income families, privatize a substantial portion of Social Security, eliminate the tax exclusion for employer-sponsored health insurance, end traditional Medicare and most of Medicaid, and terminate the Children's Health Insurance Program. The plan would replace these health programs with a system of vouchers whose value would erode over time and thus would purchase health insurance that would cover fewer health care services as the years went by.''

What I find most disturbing about this proposal is the failure to acknowledge a connection between the recent volatility of the stock market and the effect that would have on privatized Social Security accounts. When a trillion dollars of wealth can disappear in 30 minutes, as it did on May 6, 2010, we know that the stock market is not the place for seniors' life savings. Privatization, or partial privatization, of the Social Security system would have been disastrous for millions of senior citizens that depend on their Social Security checks every month. Likewise, replacing Medicare with a voucher system and letting seniors fend for themselves on the private market would leave our seniors with less and less care every year.

America's seniors have worked long and hard to build a prosperous Nation, yet too many seniors in this country saw their retirement savings get decimated by President Bush's economic crisis. I rise today to assure seniors that I and the Democrats in Congress will continue to stand firmly opposed to any and all efforts to privatize Social Security or turn Medicare into a voucher program. Moreover, we will continue to take a leading role to improve—rather than undermine—Social Security and Medicare.

HONORING THE HUMAN LOSS AT DEEPWATER HORIZON

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CASSIDY. Madam Speaker, on April 20, Louisiana lost eleven fathers, husbands, brothers, and sons at the Deepwater Horizon accident in the Gulf. Sorrow for their deaths is borne across our State.

As we focus our energies on stopping the spill, it is important that we focus our prayers on the families who are grieving the loss of loved ones. We cannot lose sight of the fact that this incident began—and is—a painful human tragedy, and I am thankful for all of those in Louisiana who are consoling these families and providing comfort in their time of need.

In mourning their loss, we should also recognize their contributions to Louisiana and the Nation.

As this event makes painfully clear, energy security, even at home, is not won easily. The men and women who work on rigs and pipelines endure long hours, tough conditions, and considerable risk to provide us with the energy our Nation needs to prosper.

To all of those who make this sacrifice on the Nation's behalf, thank you. And to the families who lost loved ones, our prayers are with you and we are here for you.

IN RECOGNITION OF DELFINA TELLES

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CARDOZA. Madam Speaker, I rise today to honor the life of Delfina Telles, former first lady of El Paso, Texas, who passed away on May 6, 2010 in Los Angeles, California at the age of 93. Delfina was a devoted wife and mother who was passionate about her community and work in public service. I am proud to pay tribute today to such a giving woman.

Delfina was the wife of Raymond Telles, who served as El Paso's first Hispanic Mayor from 1957–1961. Mr. Telles was also appointed as ambassador to Costa Rica by President Kennedy, during which time Delfina became active in civil affairs, including leading fundraising drives for a children's hospital and a rehabilitation center for children with disabilities in Costa Rica.

Delfina is recognized and remembered for her commitment to non-profit organizations and charity work. She worked tirelessly on behalf of such organizations as the March of Dimes, was co-chairperson of the annual Easter Seal Drive for El Paso's Cerebral Palsy Treatment Center, served on the Pan-American Round Table and the Woman's Auxiliary

of Providence Memorial Hospital, and was a director of the Chamber of Commerce Women's Department. She is also recognized for her work with the American Red Cross, the American Cancer Society, and Community Chest. She was also appointed to the Defense Department's Advisory Committee on Women in the Service by President Nixon in 1974.

Mrs. Telles is survived by her husband, Raymond; her daughters, Cynthia Telles of Los Angeles and Patricia Telles-Irvin of Gainesville, Fla.; two sisters, Ana Jones and Noemi Valenzuela of El Paso; and a brother, Jose Santos Navarro of San Jose, Calif.

Delfina Telles was a truly kind-hearted woman whose selfless givings will forever leave a positive impact on the communities she touched. She will be greatly missed by her family, friends, and countless people who were blessed by her life of benevolence.

INTRODUCTION OF LEGISLATION TO ADDRESS IDENTITY THEFT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GOODLATTE. Madam Speaker, I rise today to introduce bipartisan legislation to strengthen the federal criminal laws punishing identity theft.

Identity theft is a serious and growing threat. The Federal Trade Commission estimates that as many as 9 million Americans have their identities stolen each year.

Identity thieves use identifying information such as a consumer's Social Security number, credit card numbers, or other financial account information in order to conduct such fraud as opening up new credit cards and gaining access to bank accounts. The ramifications can be financially disastrous for citizens and can be extremely difficult to resolve. We must crack down hard on these criminals.

The fear of identity theft is also consistently cited as a reason many Americans are cautious about engaging in more transactions online. This is unfortunate because of the multitude of ways the Internet can help consumers shop, do business and communicate efficiently and at low cost.

The United States has many federal statutes targeting identity theft. However, some of these laws were weakened by a recent Supreme Court case.

18 USC 1028 and 1028A contain criminal punishments for certain identity theft violations when those violations are in connection with other federal crimes and state felonies. In 2009, the Supreme Court ruled that the language of those federal statutes require not only that the criminal use the identification documents of another person, but also that the criminal knew the documents were those of another actual person.

The context of that case was that an illegal alien had given an employer counterfeit social security and alien registration cards containing his name but the identification numbers of other individuals. He was charged with two immigration offenses as well as aggravated identity theft. The Supreme Court overturned the conviction on the aggravated identity theft count explaining that the language of the relevant statutes required prosecutors to prove not only that the defendant used identity documents that were not his own, but also that the defendant knew the identity documents were those of another actual person.

Identity theft occurs when someone intentionally and unlawfully uses identity documents that are not his own. Our federal statutes should reflect this reality.

Today, I am introducing legislation to amend these federal statutes to make clear that when an identity thief intentionally and unlawfully uses identity documents that are not his own, prosecutors do not need to show that the criminal also knew that the identity documents were those of another actual person.

This clarification will help prosecutors put identity thieves behind bars and will help safeguard American citizens from identity-related crimes. I urge the Members of the House to support this bipartisan legislation.

IN HONOR OF CAPTAIN DON GRIGG

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a good man who left this world much too soon. On May 7, 2010, our State and Nation lost a great patriot when decorated Vietnam War veteran, tireless veterans advocate and long-time congressional staffer Captain Don Grigg died at the Veterans Affairs Hospital in Little Rock. He was 71 years old.

Captain Don Grigg was a proud Arkansan and an even prouder American. I had the privilege and honor to know and work alongside Captain Grigg for the last 10 years and I am a better person for having done so.

There are few men in America like Captain Grigg. He was a true American hero, relentless veterans advocate, dedicated public servant with strong morals and an even stronger personality. With his passing, America has lost one of its biggest fans and veterans have lost one of their staunchest supporters.

Captain Grigg served this country with bravery and honor in both the U.S. Marine Corps and the Army. He fought in the Vietnam War, earning a Silver Star for gallantry in action, a Bronze Star and two Purple Hearts for injuries he sustained in the line of duty.

Captain Grigg has served veterans in Arkansas for many years in a number of capacities, including as a congressional aide to both former U.S. Congressman Jay Dickey and myself. Most recently, he served the people of Arkansas's Fourth Congressional District as senior district aide for military and veteran affairs in our Pine Bluff office. In this role, he worked around the clock to help veterans cut through the red tape and get the benefits they deserved. And, he was never shy about getting the information and help these veterans sought. When Don Grigg called, the VA office answered.

In 2008, Governor Mike Beebe appointed Captain Grigg to the Governor's Commission on Veterans Affairs. Captain Grigg was also one of the originators of the Arkansas Vietnam Veterans Memorial and served on its executive committee, overseeing the memorial's design and construction. And, for more than 15 years, Captain Grigg served as the Coordinator of the Vietnam Veterans Leadership Program of the Southeast Arkansas Economic Development District, devoting his time to help Vietnam veterans find jobs following the war.

Above all, Captain Grigg was known for his love of country and faith in God. He is survived by his loving wife, Lisa; his two children, Grant Grigg and Danielle Pinney; his two grandchildren, Sam and Anna Marie; and, by numerous friends, family members and coworkers whose lives will be less rich because he is no longer in them, including mine. My thoughts and prayers are with his family during this extraordinarily difficult time.

Our Nation is better, safer and stronger because of heroes and patriots like Captain Grigg. As I honor him today in the U.S. House of Representatives, Captain Grigg is being laid to rest at Arlington National Cemetery alongside thousands of other American heroes.

Today, I ask all Members of Congress to join me as we honor the life of Captain Don Grigg and his legacy, as well as each man and woman in our Armed Forces who gives the ultimate sacrifice in service to our great country.

TRIBUTE TO WILLIAM MOORE McCULLOCH

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. JORDAN of Ohio. Madam Speaker, Ohio's National Statuary Collection Study Committee was asked to compile a list of distinguished Ohioans from which one could be recommended for recognition in Statuary Hall. As the citizens of Ohio now weigh in on this list, I want to highlight the many accomplishments and distinguished record of public service of one member of that list, the late William Moore McCulloch.

William McCulloch was born in Holmes County in 1901. He attended the College of Wooster and in 1925 earned a law degree from The Ohio State University. He subsequently established a law practice in Piqua, from which he was elected to the Ohio House of Representatives in 1932.

McCulloch quickly ascended to the speakership and became the first person to serve three consecutive terms in that role. He resigned from the Ohio House in 1943 to enlist in the Army, where he served our great Nation in the European Theatre during the Second World War.

Following the war, McCulloch returned to his law practice in Piqua, but his passion for elective service led him to run for and win a 1947 special election to Congress. He readily won respect from all sides of the House for championing limited government and sound fiscal policies—but most notably for his groundbreaking work on civil rights issues. McCulloch worked behind the scenes with the Eisenhower White House to ensure passage of the Civil Rights Acts of 1957 and 1960. Because of these successes, during deliberations on the Civil Rights Act of 1964, President Kennedy famously said of McCulloch, ''Without him, it can't be done.'' President Johnson called him ''the most important and powerful force'' behind that legislation.

As ranking member of the Judiciary Committee, McCulloch also played key roles in

crafting and passing the Voting Rights Act of 1965 and the Fair Housing Act of 1968. He won accolades from the Leadership Conference on Civil Rights for this vital work, as well as for defending the Voting Rights Act when it was reauthorized intact in 1970.

McCulloch did not seek re-election in 1972, returning to Piqua to resume the practice of law. He passed away in 1980 and is interred in Arlington National Cemetery. The people of Piqua renamed their public square in his honor last year.

Madam Speaker, William McCulloch's statesmanship, political foresight, unwavering conservative principles, and commitment to freedom and dignity inspired all who knew him and served with him. Honoring him by inclusion in Statuary Hall would allow countless generations to be inspired by his distinguished record of service in the future.

EXPRESSING SYMPATHY TO FAMILIES OF SOUTH KOREAN SEAMEN KILLED BY NORTH KOREA

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. POMEROY. Madam Speaker, I rise today in support of House Resolution 1382.

The March 26 torpedo attack on the Cheonan represents one of the most horrific acts of aggression in the long and all too often fraught history of the Korean peninsula. As a longstanding friend of the Korean people, I condemn the attack and fully support the steps taken to bring this matter before the U.N. Security Council and President Lee Myung-bak's decision to cut trade ties with North Korea.

The Republic of Korea is one of the United States strongest and most steadfast allies—and just as the Korean people have stood by us in our times of need—we will continue to stand shoulder to shoulder with our Korean friends during these trying times. Our shared history has closely united our two nations with respect to not only our security but also our fundamental values, principles, and ideals. I share a particularly strong personal bond with Korea as the father of two adopted Korean American children.

To the families of the 46 sailors who died as a result of the attack, I offer my most heartfelt prayers. Your grief and loss is shared by millions of Americans whose thoughts are with you and your countrymen.

This condemnable attack must be met with a strong response from the international community and existing U.N. Security Council sanctions should be fully enforced. I am proud to be a cosponsor of this resolution, and I know that the American people will continue to stand by and support the Republic of Korea. I call on my colleagues to demonstrate this support by voting to pass this resolution.

RECOGNIZING THE SERVICE OF JESUS DIAS PEREZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. BORDALLO. Madam Speaker, I rise today to recognize the service of Jesus Dias Perez, a resident of Guam who on Sunday, May 16, 2010, celebrated his 90th birthday.

Jesus was born on May 16, 1920, in the village of Agana to Felix Flores Perez and Josefa Diaz. In 1941, Jesus enlisted in the U.S. Navy where he would go on to serve in World War II and the Korean War. He retired in 1961, having attained the rank of Chief Petty Officer.

He continued his commitment to public service after his retirement from the Navy, going to work for the County of San Diego, California. There, he supervised the County's Juvenile Ranch Facility, a correction and rehabilitation center for troubled youth. Jesus was committed to helping young adults get a second chance and a fresh start in life. Jesus also was an active member of the San Diego Elk's Lodge and participated in the Elks Club's chapter in Chula Vista. Jesus completed numerous community service projects on behalf of our nation's veterans.

Despite living thousands of miles from his home on Guam, Jesus continued to contribute to the Guam community, opening his home to family, friends, fellow veterans, and patients from Guam receiving care at San Diego medical facilities.

Jesus was married to the late Margaret Chamberlain and has one daughter, two grandchildren, and four great-grandchildren.

Today, I commend Jesus Perez for his lifetime of service to Guam, our community, our veterans, our youth, and our nation. I also join with his family and friends in congratulating him on his 90th birthday. We appreciate his contributions to our nation and our community.

RECOGNIZING U.S. COAST GUARD AUXILIARY FLOTILLA 81 OF OCEAN CITY, NEW JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. LoBIONDO. Madam Speaker, June 1, 2010, marks the 70th Anniversary of the founding of the U.S. Coast Guard Auxiliary Flotilla 81, in Ocean City, New Jersey. Flotilla 81 was the fifth Auxiliary unit formed in the United States and was made up of volunteering yachtsmen who had summer homes in Ocean City. Their first meeting was held at the Ocean City Yacht Club on June 1, 1940.

As the United States was thrust into World War II, the Coast Guard Auxiliary was reorganized in 1941 to include only civilians and civilian vessels. During World War II, the flotilla from Ocean City engaged in off-shore rescues and conducted observation patrols along the New Jersey coastline on a near daily basis, with 8 months of daily coverage in 1942—a mission which was unmatched by any other flotilla in the United States at that time. Even during the famous Hurricane of 1945, the Ocean City Flotilla played a major role in the rescue and preservation of lives and property by providing nearly 4,000 man-hours of service in a 3-day period.

After the war, the flotilla and the auxiliary went through an evolution. As changes in membership and activity caused other auxiliary flotillas to be deactivated, other auxiliaries began to fill a need for public education and vessel safety examinations.

As the mission of the Coast Guard has been expanded over the years, the importance of the auxiliary has grown. Congress is adding more responsibilities and the Coast Guard is increasing the training opportunities and duties for the auxiliary, and Flotilla 81 is leading the way. From important safety patrols and operational support to Coast Guard missions, to educational briefings on boating safety and vessel safety checks, Flotilla 81 is providing a vital service to the region, and serves as an example to the country.

With an honorable and distinguished history, and a dedicated and enthusiastic membership today, it is my honor and pleasure to recognize the 70th Anniversary of the U.S. Coast Guard Auxiliary Flotilla 81 of Ocean City, New Jersey. I encourage all members to recognize the service of Coast Guard auxiliarists in their districts.

A PROCLAMATION HONORING THE TOWN OF FREEPORT, OHIO, ON THE 200TH ANNIVERSARY OF ITS FOUNDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SPACE. Madam Speaker,

Whereas, William Melton oversaw the founding of Freeport, Ohio in Tuscarawas County on March 7, 1810; and

Whereas, the earliest settlers included Daniel Easley, John Reed, Jonathan Grewell, Jacob Snyder, Aaron Ruble, Barnabas McNamee, and John Grubb; and

Whereas, Freeport, on the banks of the Stillwater River, served as a friendly port for those brave and adventurous enough to traverse the wilderness; and

Whereas, Freeport was founded on the values of community and service and has remained so for its 200 years; and

Whereas, the town of Freeport has been and will continue to be a shining example of welcoming hospitality for travelers and commitment to community and service for residents; and

Whereas, the official town charter dates back to June 3, 1834; now, therefore, be it

Resolved, That along with friends, family, and residents of Freeport, as well as the entire 18th Congressional District, I congratulate the town of Freeport on its 200th Anniversary.

RECOGNIZING AUSTIN HARRIS OF ALAMOGORDO, NEW MEXICO

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. TEAGUE. Madam Speaker, I would like to take a moment to recognize one of my constituents for his unwavering commitment to our

country and his exemplary citizenship. His name is Austin Harris.

Austin is someone who exercises his patriotism on a daily basis. His room is decorated red, white and blue, and he watches the Congressional proceedings on television. Not only that but he also makes a habit of reading remarks made by the President of the United States.

While he keeps himself updated on a regular basis on the affairs of the federal government, Austin has also distinguished himself locally. He has served as an advocate for public transportation and represented his city in the ''All-American Cities'' competition in Atlanta, Georgia.

Austin has also taken the time to travel to our state capitol and lobby the State Legislature for services for persons with developmental disabilities. His volunteerism hasn't stopped there; Austin is also a volunteer at his local senior center, City Zoo and Teen court.

The fact that a young man would take the time to do so much is impressive enough. Oftentimes in our society, it seems as though we have to do a lot to get young folks interested in civics and community service. The fact that Austin has done this on his own sets him apart from his peers. The fact that Austin has cerebral palsy and is epileptic elevates him above his peers.

The fact that Austin has an uphill battle in dealing with issues we take for granted every day and still gives back to his community is itself, unique. It is unique to Austin and it is uniquely American.

I am proud to say that this young man hails from my district. I wish that more young people across America had his sense of duty and pride in his country. Austin realizes that for America to continue to be great, everyone must do their part every day. I am honored to recognize him today and wish him continued success. His actions do us all proud and are a shining example of what it truly means to be an American citizen.

COMMEMORATING JEWISH AMERICAN HERITAGE MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BACA. Madam Speaker, I want to begin by thanking my colleague, Ms. WASSERMAN SCHULTZ, for championing this cause tonight.

Jewish American Heritage Month is a time to celebrate all of the valuable contributions that Jewish Americans have made to our culture and shared history. These contributions have been represented in achievements in public service, medicine, politics, technology, literature and entertainment.

Without a firm appreciation for Jewish tradition and history we leave ourselves open to attitudes and behavior focused on religious bias and prejudice.

American culture and history is full of the positive contributions that Jewish Americans have made.

In World War II, over 500,000 Jews served in the American military—many of them paying the ultimate price for our country's freedom and liberty.

One of my boyhood heroes—the great Sandy Koufax pitcher for the LA Dodgers—was Jewish. His religious devotion caused him to sit out of game 1 of the 1965 World Series because it was on Yom Kippur. Yet he came back, and pitched two games in the series, leading the Dodgers to victory.

We have also had many Jewish Americans serve in public office. The first Jewish Congressman, David Levy Yulee, was elected in 1841. Oscar Straus was the first Jew to serve in the President's Cabinet in 1806.

Taking time to honor celebrations like this is important for Americans to reflect on our history.

We must remember that we are a nation of immigrants. A nation of different ethnicities and religions. And instead of ignoring them, it is important to take time and honor our differences and appreciate them. In doing this, we build our diverse culture and strengthen our country's unity.

As a Hispanic, I know what kind of challenges exist and our cultures share many of the same views on many important issues—issues like civil rights, comprehensive immigration reform, promotion of diversity.

I am proud to be here, honoring Jewish Americans and their contributions that have enriched our history and culture.

UNITED STATES-ISRAEL ROCKET AND MISSLE DEFENSE COOPERATION AND SUPPORT ACT

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. HOLT. Madam Speaker, I rise today in strong support of the United States-Israel Missile Defense Cooperation and Support Act (H.R. 5327). I have had the pleasure of traveling to Israel on many occasions, and I have witnessed firsthand the fear that prevents children from running freely for fear of being too far from shelter when the next rocket attack comes. As we try to facilitate peace negotiations in the Middle East, we also have a responsibility to help Israel with the economic, social, and security costs resulting from terrorist attacks. That includes helping our friend and ally develop defensive technologies to protect her population.

I have supported United States-Israel cooperation on the Arrow, Iron Dome, and other antimissile defense systems for years. I am pleased that President Obama has requested $205 million for this program and that this bill provides the necessary authority for the administration to assist in the procurement, maintenance, and sustainment of these technologies. Our cooperative effort will benefit both the United States and Israel for many years to come. This is a very worthy bill, and I urge my colleagues to support it.

HONORING GLENDALE CHAMBER OF COMMERCE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor the Glendale Chamber of Commerce as it celebrates its 100th anniversary.

The Glendale Chamber of Commerce, established in 1910, is a local organization committed to sound and stable economic growth in the City of Glendale. In accordance with this mission, the Chamber aims to provide the leadership required to keep the business community's goals in focus and to keep Glendale competitive as an economic hub for the greater Los Angeles area. As the city's ''Voice of Business,'' it works to increase prosperity by encouraging the growth of existing business and nurturing new enterprises.

Initially created as an informal institution modeled after earlier improvement organizations, the Chamber responded to the expansion of the city by adopting a more formal structure. It officially established an annual membership fee and hired a manager in 1921. The Chamber's early successes are many. In the first two decades, it successfully lobbied for a new post office, worked to establish the city's Grand Central Airport, worked for the adoption of the uniform building code, lobbied for the establishment of a Department of Motor Vehicles office in town, and lobbied for the establishment of a Superior Court in the city.

As Glendale's population has grown from 2700 in 1921 to 270,000 today, so too has the Chamber sought to expand and improve its service to the community and its member businesses. In accordance with its mission statement, it strives to nurture the growth of private businesses, maintain the city's economic productivity, and promote a free market economy. As a strong community partner, the Chamber works full time to fulfill the tenets of its mission, its efforts spearheaded by a talented group of business and community leaders serving as its Board of Directors. In large part due to the Chamber's efforts, Glendale has transformed from an agrarian community to a major financial and retail center in Southern California.

I am proud to recognize the past and present members and supporters of the Chamber for their unique contributions to Glendale's local community, and I ask all Members to join me in congratulating the Glendale Chamber of Commerce for 100 years of dedicated service.

HONORING THE LIFE AND ACCOMPLISHMENTS OF HOWARD DODSON, JR.: HISTORY'S KEEPER IN HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. RANGEL. Madam Speaker, I rise today in order to pay tribute to the commendable work of Mr. Howard Dodson. As director of the Schomburg Center for Research in Black Culture he has provided the community with an abundant collection of African American historical materials. Recently, The New Yorker published an article profiling Mr. Dodson and his contributions to African American history.

Mr. Dodson, who is turning 71 in June, has been running Harlem's Schomburg Center for the last 25 years. Under his leadership, the center has raised over 40 million dollars and has preserved some of African American history's most important treasures, including Malcolm X's diaries from Mecca and first editions

of 18th century poet Phyllis Wheatley's poems.

Dodson has dedicated his life to presenting to the outside community a fuller picture of Black America. His devotion to this work has made him a connector of the past and present. Dodson sees his upcoming retirement as an opportunity to start a new, broader legacy.

At the Schomburg Center he built an array of respected educational and cultural programs, including seminars, exhibitions, film screenings, and performing arts projects to complement its permanent collection. It was during his time at Villanova University, where he graduated with a Masters in History and Political Science in 1964, that Dodson became fascinated with African and African American history. His work at the Schomburg pays homage to Arthur A. Schomburg, the historian whose personal collection served as the starting point for today's internationally renowned center. One of the highlights of Dodson's career was his involvement with the African Burial Ground project, which oversaw the exhumation and reburial of the remains of hundreds of Africans buried in New York City during the seventeenth and eighteenth centuries.

Today, Mr. Dodson continues to improve the research and intellectual resources available to the community for investigating African and African American culture.

I commend to your attention the attached May 3 New Yorker article.

TREASURE HUNTER

[From the New Yorker, May 3, 2010]

(By Lauren Collins)

When Howard Dodson, Jr., the director of the Schomburg Center for Research in Black Culture, in Harlem, was thirty, the life expectancy for a black male was sixty. Dodson was just enrolling in a doctoral program at U.C. Berkeley. ''I figured I'd be forty by the time I was done, and I'd only have twenty years to work,'' Dodson recalled last week, sitting in one of the center's conference rooms. ''So I went into this conversation with me and God. I said, 'Look, God. I need some more time. Give me seventy-two years. I'll have done all the work I needed to do. I'll be ready to, you know, waltz on out of here.' '' Dodson paused for a minute—quiet, grave. ''Well, about five years ago, I started renegotiations!'' he said.

Dodson, who turns seventy-one in June, will retire next year, after a quarter century of running the Schomburg, the world's premier facility for the preservation and study of African-American culture. Under his stewardship, the center has raised more than forty million dollars. Its treasures, ten million of them, are various: Richard Wright's manuscript of ''Native Son,'' a first edition of Phyllis Wheatley's poems, African fertility masks, sheet music for spirituals, photographs of strawberry pickers and uptown grandees, Malcolm X's diaries from Mecca. Dodson has salvaged artifacts from dumpsters (the love letters of the muralist Aaron Douglas) and from storage units (the papers of Léon Damas, the founder of the Négritude movement). Rummaging in the collection one day, Dodson came upon a sheet of commemorative stamps from the 1936 Olympics. ''It was signed by Jesse Owens and the six other African-American athletes who won medals,'' he said. ''And by Göring and Hitler!'' If the African-American experience is a diaspora, Dodson has amassed its richest seed bank.

Dodson grew up in Chester, Pennsylvania, where his parents, both natives of Danville, Virginia, had moved during the First World War. His father found work in construction. His mother became a silk presser. ''It was a rough town,'' Dodson recalled. ''I was, for some reason, designated from an early age to—in the language of the time—'represent the race.' For that reason, everybody drew a ring of protection around me.'' Dodson went on to West Chester State College, and to Villanova, where he earned a master's in history and political science. He joined the Peace Corps in 1964, and spent two years in Ecuador. ''I was inspired by reading 'The Ugly American,' '' he recalled. ''It talked about the ways that expatriates were misrepresenting Americans abroad, and I decided that I could do a better job.''

In 1968, he said, ''the combination of King's death, the collapse of the Poor People's Campaign, and Bobby Kennedy's assassination drove a stake into my plans.'' He felt that he had debts to redeem in America. ''I was the first person in my family to go to college, and I didn't have a right to individualism,'' he said. Confused and bereft, he retreated to a friend's cabin in the mountains near Mayagüez, Puerto Rico. ''I declared myself insane and was trying to read myself back into sanity, to ground myself in the history of my people,'' he said.

After his exile in Puerto Rico, Dodson went to Berkeley, where he studied slavery in the Western Hemisphere, and favored an outfit of flared pants and a flat-topped hat, which helped him become known as the Cisco Kid. At the Schomburg, he was wearing a double-breasted tweed suit, a brown paisley tie, and laceless leather slippers, and, on his left index finger, a gold pyramid ring, signifying his status as a thirty-third-degree Mason. A lucky cowrie shell was pinned to his left lapel. ''I've been dressing since I was in high school,'' Dodson said. ''I worked with my mother at the dry-cleaning plant off the Main Line, where I had my pick of anything left after thirty days.''

One of the high points of Dodson's tenure at the Schomburg was his involvement with the African Burial Ground project, which oversaw the exhumation and reburial of the remains of more than four hundred Africans, which had lain in an unmarked cemetery downtown. ''Those seventeenth- and eighteenth-century ancestors gave me assignments,'' Dodson said. ''I'd do stuff, and they'd say, 'Look, follow through.' I'd say, 'I've got a full-time job, and I don't have time.' And they'd say, 'No, you've gotta do this.' '' Now the ancestors are urging Dodson to visit the rock churches in Ethiopia, to go to Xi'an to see the terra-cotta warriors, to visit Machu Picchu. They're telling him it's his time. ''I fulfilled all my service obligations,'' he said. ''I don't owe anything to anybody! But me.''

A PROCLAMATION HONORING LARRY AND NORMA HINDS ON THE 50TH ANNIVERSARY OF THEIR WEDDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SPACE. Madam Speaker:

Whereas, Larry and Norma Hinds are celebrating the 50th anniversary of their wedding; and

Whereas, they have served as an example of commitment to each other and to the bonds of marriage for their family, friends, and community; and

Whereas, the couple are appreciated for their dedication and contributions to the Licking County Board of Developmental Disabilities; and

Whereas, Larry and Norma Hinds have demonstrated the values of service to community through their work in Licking County: Now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I commend Larry and Norma Hinds for their fifty years of marriage and serving as role models of commitment to love, family, and community.

HONORING THE LIFE AND SERVICE OF JOHN VINCENT PANGELINAN GERBER

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of John Vincent Pangelinan Gerber, a lifetime resident of the village of Ordot, Guam. John Gerber passed away on May 4, 2010 at the age of 58.

Born on May 31, 1951, in Guam, John is the eldest son of Martin and Dolores Gerber. He attended Barrigada Junior High School, Father Dueñas Memorial School, and after graduating from George Washington High School, he enlisted in the United States Marine Corps on June 4, 1969. After completing basic training at Marine Corps Recruit Depot in San Diego, John was deployed to Vietnam where he served with the Fleet Logistics Command in support of the 1st and 3rd Marine Divisions. Following his tour of duty in Vietnam, John was assigned to Bravo Company at Marine Barracks Guam. John Gerber was honorably discharged from the U.S. Marine Corps on June 3, 1975.

John Gerber began his civilian career as a young radio disc jockey on the Wireless Rock Show and later established a record store in Guam's capital of Hagatna called the Wireless Rock Music Box. John also started a charter boat tour company that took visitors around Guam's southern shores.

In 1992, John joined the Guam Chapter of the 3rd Marine Division Association, and as a member of this service organization, he devoted his time to helping his fellow Marines, service members, and veterans. John invited individuals or groups associated with the 3rd Marine Division visiting Guam to one of the famous Gerber fiestas at his home in Ordot, and while there, Marine Corps veterans groups and service members would be treated to an evening of Chamorro hospitality. Throughout his lifetime, John and the 3rd Marine Division Association hosted over 16,000 service members on Guam.

In 2004, John Gerber led a petition to rename Route 1 on Guam from Marine Drive to Marine Corps Drive. John argued that the intent of the original authorization for the highway was to recognize the U.S. service members who liberated Guam. That same year,

John walked from Andersen Air Force Base to Naval Base Guam, 27 miles in total, while pulling a cart the entire length. His campaign was successful, and Route I in Guam is now officially named Marine Corps Drive. Every year, John also loaned his restored World War II-era vehicles as part of Guam's Liberation Day Parade.

On July 21, 2008, the 64th anniversary of the Liberation of Guam, John opened the Pacific War Museum on Guam. This non-profit museum was built by John to showcase his World War II-era memorabilia and to educate the public on the War in the Pacific.

I join our community in mourning the loss of John Gerber, and I offer my sincere condolences to his wife, Mela Gomez Gerber; his siblings, Martin, Joyce, Wanda, Debra and Janet; his children, Ryan, Christiana, Storm and Rio; and to his many family, friends and fellow Marines. He will be missed.

Madam Speaker, I also request that two additional items be entered into the CONGRESSIONAL RECORD. The first is a tribute to John Gerber from Brigadier General Ben Blaz, the former Member of Congress from Guam. General Blaz was a good friend of John Gerber, and he composed this tribute in his memory.

MY FRIEND

His name was John. He was exceedingly proud of his Chamorro heritage. He was the personification of a United States Marine. He was unabashedly loyal to America.

We hailed from the same village, metro Ordot, as he would say on occasion. His effervescent presence was always felt; sometimes quietly, other times not. His devotion to his friends was profound; his tolerance for those with whom he disagreed was noteworthy, at times!

It is said that in life, there is a time to grow and a time to glow. John did both in tandem. He was endowed with a natural ability to rally and to lead those with him to reach their goal. Many of his accomplishments were in keeping with a vow he made to a dying friend that he would strive to do well the rest of his life. His intense commitment to fulfill that vow resulted, among others, in the establishment of a remarkable museum to remind all of us how dearly the liberators and the liberated paid for the freedom we enjoy today.

In acknowledgement of his many accomplishments, I invited John and his wife to join me as Guest of Honor on the reviewing stand for the performance of the Marine Corps Battle Colors Detachment at Asan Park in March. He would not accept the invitation. I asked him a second time and he declined once more because he would prefer to be with his comrades—veterans of all the Services. I approached him a third time and threatened not to attend the ceremony unless he and his wife joined me. Reluctantly, he accepted for which I was so grateful for no other guest present that day was more deserving than he to be honored.

My friend's full name was John Vincent Pangelinan Gerber. He was shorter than I, but I looked up to him for he was an extraordinary man from whom I learned to be a better person.

John did not seek fame; it sought him!

Semper Fidelis, Marine!

The second item is the eulogy offered by Colonel Robert Loynd of the U.S. Marine Corps at John Gerber's memorial service. Colonel Loynd is with Marine Forces Pacific and was asked to deliver the eulogy at the request of John Gerber's family.

EULOGY TO JOHN GERBER—FELLOW MARINE

Let me begin by saying what a distinct honor it is to stand before you on this altar today in the presence of this beloved and storied Marine, and represent with this eulogy the memories, sorrow, gratitudes and condolences of all United States Marines around the globe who have had the privilege of knowing John Gerber. And I use the past tense loosely here, because there are many United States Marines yet to come who will also undoubtedly have the privilege of getting to know John and his legacy while visiting his Pacific War Museum—an unyielding and enduring structure of steel and iron, lovingly filled with artifacts of sacrifice and recollections of wartime faithful devotion—built by John Gerber's hands, to withstand the rigors of time. In many ways, John and the Museum itself are one in the same—steadfast, lasting, loyal, engaging, welcoming, enlightening, forgiving, hallowed, and revered. Timeless qualities that transcend any earthly existence.

I first heard the name ''John Gerber'' about four years ago in 2006 in an unlikely place. I was sitting in the Incheon International Airport in Seoul, Korea awaiting a late-night flight to Guam for Alliance talks between senior U.S. and Korean military leaders. The mere fact that I remember that moment speaks volumes about John, in and of itself. I wasn't part of the specific conversation at the airport, and like most staff officers who carry the laptops and briefing books for the senior officers, I was only pretending to be attentive as I sat on the periphery of two general officers, one couch over in the airport terminal, who were engaged in what appeared to me to be largely irrelevant banter. Amidst the sleep-inducing drone I suddenly heard a sentence that leaped-out at me with alarming clarity and purpose: ''Nobody's done more for the Marine Corps' legacy on Guam than John Gerber.'' Needless to say, I was intrigued and leaned-in to see if I could hear more. With frustration, however, I leaned back in my chair as the sentence ended right there, with the two Generals nodding to each other in stern, solemn agreement. My intrigue would have to remain unsolved—one of the unfortunate aspects of ''experience'' in the Marine Corps—for I had learned many years before that it would not have been wise at that moment for the LtCol—one couch over—to interrupt two Generals engaged in a private conversation by asking: ''Excuse me, Sir—Who is John Gerber?''

2nd Lieutenant Loynd might have asked. . . .

But the sentence stayed with me, and it wouldn't be until April of last year in 2009 that I would finally gain the honor of meeting The Man. Since then, I have found myself often repeating the same sentence, in my own conversations, with the same clarity, distinction and purpose that I heard it with four years ago: ''Nobody's done more for the Marine Corps' legacy on Guam than John Gerber.'' Truer words were never spoken.

Knowing what I know now about John and what he means to the Marine Corps and our heritage, I should have interrupted the generals four years ago with my question. Instead of the expected steely-eyed glare for interrupting, I'm certain that I would have been educated in a heartfelt way about the Man and his incredible legacy. The General's response most likely would have been something like: ''Well Bob, let me tell you about my friend John Gerber. . . .''

What he would have told me would have been a reverent tale about a man who devotes every waking moment of his life to serving others, to honoring the legacy of sacrifice and commitment by those veterans who demonstrated the full measure of devotion to their country and their comrades, and about a man who loves the Marine Corps and his fellow Marines with every fiber of his being.

When I did finally meet John in April of 2009 at his museum, I immediately sensed something unique—that I was in the presence of a man so humble and modest, but yet so commanding and persuasive at the same time. I was on an advanced visit to Guam a couple of months prior to moving here from my assignment at Headquarters Marine Corps. My predecessor on Guam, Col. Paul Brier, made sure to bring me to the Museum to meet John on the very first day of my visit. We were immediately greeted by John around the back, his Marine Corps ball cap tilted back on his head, his gray ''Marines'' t-shirt soaked through with sweat and covered with twigs, mulch, and sawdust. I was meeting a man of the earth, imbued with an ethic of labor and hard work. Shaking his hand, the roughness of his palm immediately told me the story. But I was also meeting a man of tremendous intellect, as I learned more in the first five minutes about Guam's cross-cultural history and conflicts than my jet-lagged brain could absorb. We went through the museum and I was machine-gunned by John with not only Marine history about the 3rd Marine Division at Asan and the 1st Marine Provisional Brigade at Agat, but very personal tales of courage, heroism, love and devotion. Of men like Medal of Honor recipient Capt. Louis Wilson, and Catholic Priest Father Duenas; about hometown Chamorro Marine Corps officers and leaders such as Capt. Peter Siguenza and BGen Ben Blaz, about Underwood and Puller and about the 1,548 United States Marines who gallantly gave their lives in the Liberation of Guam. And true to his character, John presented a balanced and open-minded perspective, as we transitioned to the other wing of the museum where I was overwhelmed with his equally in-depth knowledge of the Japanese perspectives of the war.

Our relationship would grow over the next year and I would routinely turn to John for help in ensuring that our visiting Marines—his Marines—were well taken care of.

Two months ago, I was asked to write a letter of recommendation to support the nomination of John to receive the prestigious ''Colonel John H. Magruder III Award'' from the Marine Corps Heritage Foundation in Quantico, Virginia. Once again, I found myself using that famous sentence from Korea. And I quote the final paragraph of my letter of recommendation:

''Over the course of the past two decades, no person has done more to honor the history and reputation of the United States Marine Corps on Guam than John Gerber. His Pacific War Museum remains a sole outpost of Marine Corps heritage in the vast Mid-Pacific. Visited by commandants, generals, congressmen, Marines, history enthusiasts, tourists, children and citizens of various nations alike, John's museum both inspires and brings contemplative reflection. For his tireless devotion to depicting the legacy, service and history of the United States Marine Corps in the Pacific, I can think of no finer recipient of the ''Colonel John H. Magruder III Award'' than John Gerber.''

I have high hopes that this award will come true. But in my mind, there was no greater local recognition of John's devotion than to see him and Mel sitting next to BGen Ben Blaz as Guests of Honor for the performance of the storied Marine Corps Battle Color Detachment at Asan Beach this past March—a first ever performance on Guam that could not have been a success, without, once again, John Gerber's legendary passion, love, devotion and work-ethic. John single-handedly prepared the Asan Park for a performance befitting the Marines from 8th and I. And because of that —they will be back. And I know they will be playing a tune for John.

Rudyard Kipling once wrote:

''If you can fill the unforgiving minute
With sixty seconds' worth of distance run
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man my son!''

Well, from May 3Ist, 1951 until May 4th 2010, the Man—John Vincent Pangelinan Gerber—ran the distance everyday and filled every unforgiving, unyielding minute of his life with action, passion and commitment. John nurtured his earth and everyone who was in it, and today we Marines extend our collective devotion and gratitude to John for having been one of us—our friend, our standard-bearer and Guam's most devoted Marine.

Now, it's a tragic misunderstanding that some may think that Marines aren't prone to poetry (and don't worry—I didn't write one), but John Gerber was a fan of poetry—his favorite poem being one of the greatest ever written—''The Marines Hymn.'' And we Marines will be coming to attention for that later today in John's honor. But I do want to end with a beautiful sonnet written by the Anglo-American Poet John Gillespie Magee that eulogized the laying to rest of the famous World War I English poet Rupert Brooke, who died on his way to the Battle of Gallipoli. As I read it, please think of John Gerber, all that he is, and all that he has achieved in his wonderfully productive life on earth.

''We laid him in a cool and shadowed grove
One evening in the dreamy scent of thyme
Where leaves were green, and whispered high above—
A grave as humble as it was sublime;
There, dreaming in the fading deeps of light—
The hands that thrilled to touch a woman's hair;
Brown eyes, that loved the Day, and looked on Night,
A soul that found at last its answered Prayer. . .
There daylight, as a dust, slips through the trees.
And drifting, gilds the fern around his grave—
Where even now, perhaps, the evening breeze
Steals shyly past the tomb of him who gave
New sight to blinded eyes; who sometimes wept—
A short time dearly loved; and after,—slept.''

Rest in Peace, John. Mission Accomplished.

Semper Fidelis Marine.

IN RECOGNITION OF WALT L. HANLINE, ED.D.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CARDOZA. Madam Speaker, I rise today to recognize the distinguished career and service of Dr. Walt L. Hanline upon his retirement as the Superintendent of the Ceres Unified School District.

Throughout his 35-year career, Dr. Hanline has demonstrated an ongoing commitment to the development of the highest standards for the education of all children, modeling through his daily interactions with staff and the community his passion for doing what is right, including the creation of smaller learning communities for Ceres students through an unprecedented school facility building project valued at over $166 million and resulting in five new elementary schools and a new high school campus. His dedication to the highest level of integrity and service resulted in his distinguished recognition as the 2007 State Superintendent of the Year by the Association of California School Administrators for his positive influences and successes in education, in proving that all students can succeed when high standards are set. In addition, Dr. Hanline's commitment to the community in which he serves, is evidenced by his award as the 2008 Citizen of the Year by the Ceres Chamber of Commerce, as a result of his successes in building positive working relationships between the City of Ceres and the Ceres Unified School District, co-founding the CUSD Foundation to provide supplemental educational opportunities to Ceres students and teachers, and actively serving in the Ceres community through the Ceres Community Collaborative. He has served as a mentor to future educational leaders through his position as adjunct professor at the California State University, Stanislaus, presenting at numerous education summits and workshops throughout the United States.

Dr. Hanline has dedicated himself for over 35 years to education, as a teacher, a principal, and a superintendent, serving the past 9 years as superintendent of the Ceres Unified School District. He has shown himself to be a leader who has vision and determination to achieve the goals he sets for both the District and the community for which he serves. It is my distinguished pleasure to recognize Dr. Walt Hanline for his achievements and to honor him as my friend. I wish both he and his wife, Edith, the best as they embark on this new chapter in their lives.

HONORING THE 100TH ANNIVERSARY OF THE ST. DAVID'S SOCIETY OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 100-year anniversary of the St. David's Society of Lackawanna County.

The St. David's Society of Lackawanna County was founded in 1910 to promote, preserve and hold sacred the Welsh traditions of Lackawanna County in northeastern Pennsylvania and foster friendship among all ethnic groups in the region.

The Society is a non-profit, non-sectarian and non-political organization.

Northeastern Pennsylvania has a strong Welsh tradition dating back to the 18th century when Welsh made up about one-third of Pennsylvania's colonial population.

After the discovery of coal in the region during the 1800s, a new wave of Welsh immigrants descended on northeastern Pennsylvania. By the early 20th century, Welsh-born immigrants were heavily settled in the city of Scranton.

Today, Pennsylvania maintains one of the highest populations of Welsh ancestry in the country.

Over the past 100 years, the St. David's Society of Lackawanna County has worked to preserve Welsh history throughout the region.

Last year, the Society commemorated the 140th anniversary of the 1869 Avondale coal mine disaster by completing a restoration project at the Washburn Street Cemetery in Scranton where 60 Welsh miners were buried.

Each year, the Society celebrates St. David's Day on March 1 with an annual dinner in honor of the patron saint of Wales and as a yearly celebration of Welsh heritage in the region.

This year's centennial celebration began on March 1 with flag raisings in Carbondale and Clarks Summit, PA.

To commemorate this historic anniversary, the Society has also organized a special Welsh Heritage Exhibit at the Anthracite Heritage Museum in Scranton to promote the Welsh influence in the coal industry in northeastern Pennsylvania.

On May 29, 2010, the Society will celebrate its 100th anniversary with a dinner and concert in Dickson City, PA.

This year's dinner and concert will feature the Ystradgynlais Male Voice Choir who will be traveling from Wales to take part in the festivities. Catrin Brace of the Welsh Assembly Government in New York will serve as the keynote speaker.

Madam Speaker, please join me in honoring the St. David's Society of Lackawanna County on this historic occasion. In the years to come, I am confident they will continue to foster a rich ethnic appreciation for the next generation of northeastern Pennsylvania residents.

TRIBUTE TO CLAFLIN UNIVERSITY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a distinguished higher education institution in South Carolina's Sixth Congressional District that is celebrating its 140th anniversary. Claflin University, a Methodist affiliated institution, was founded in 1869 and is the oldest historically black college in South Carolina.

In 1869, Dr. Alonzo Webster, a minister and educator from Vermont, secured a charter for Claflin University. This charter was unique in that it forbade the discrimination of any sort among faculty, staff and students, making the college the first in South Carolina to open its doors to students regardless of race, class or gender. The school took its name from Boston philanthropist Lee Claflin and his son, Massachusetts Governor William Claflin, who provided the financing for the purchase of the Orangeburg campus.

Dr. Webster served as Claflin's first president. He was a trained theologian, who originally came to South Carolina to teach at the Baker Biblical Institute in Charleston, which was established by the South Carolina Mission Conference of 1866 for the Methodist Episcopal Church to educate African American ministers. In 1870, the Baker Biblical Institute merged with Claflin and moved to Orangeburg.

Two years later, the South Carolina General Assembly designated the South Carolina State Agricultural and Mechanical Institute as part of Claflin University. Then in 1896, the General Assembly voted to separate the two institutions, and South Carolina State became a

separate land-grant institution on property donated by Claflin adjacent to its campus.

In its 140-year history, Claflin University has been served by only eight presidents. Following Dr. Webster were Dr. Edward Cooke (1872–1884); Dr. Lewis M. Dunton (1884–1922); Dr. Joseph B. Randolph (1922–1944); Dr. John J. Seabrook (1945–1955); Dr. Hubert V. Manning (1956–1984); Dr. Oscar A. Rogers, Jr. (1984–1994); and Dr. Henry N. Tisdale (1994–present).

During Dr. Cooke's administration, a fire destroyed the Fisk Building, which was designed by Robert Bates, who was the first certified Black Architect in the United States.

The first college class graduated in 1879 under Dr. Cooke's administration. Dr. Cooke was succeeded by his vice president and development officer, the Reverend Dr. Lewis Dunton. He established a law department under the tutelage of the Honorable J.J. Wright, a former Associate Justice of the S.C. Supreme Court. The program's graduates were admitted to the South Carolina Bar. Dr. Dunton also increased the campus from 6 to 21 acres. He even deeded his home and 6 acres of land to Claflin after his retirement.

Claflin's fourth president, Dr. Joseph Randolph, emphasized a liberal arts education. He sought to inspire students intellectually, culturally, and spiritually to prepare them for a variety of professions. Under his direction, the high school and upper grades were discontinued. The first four years of elementary school were retained for the teacher education program; however, they were later discontinued as well.

Dr. Seabrook, who became the fifth president, persuaded the South Carolina Annual Conference to substantially increase its annual giving to Claflin. He also renewed the interest of the New England Conference of the Methodist Church in the institution. The increased funding enabled the college to expand its programs, and in 1948 it became accredited for the first time by the Southern Association of Colleges and Schools.

The tenure of the sixth president, Dr. Manning, was most noticeably marked by the significant increase in Claflin's physical plant. He also strengthened the faculty and increased the endowment. It was during Dr. Manning's tenure that I was first associated with the University.

Under Dr. Rogers' administration, two capital campaigns were completed. This increased the endowment and improved the college's financial base. Student enrollment grew and the Grace Thomas Kennedy building was constructed. He also commissioned a master plan to guide campus development into the 21st century.

In 1994, the current president, Dr. Henry Tisdale took the helm of Claflin. He was a former senior vice president and chief academic officer at Delaware State University. His dedication to scholarly achievement led him to declare academic excellence was the number one priority of the institution. Dr. Tisdale established the Claflin Honors College and the Center for Excellence in Science and Mathematics, and gained the national accreditation of more than a dozen academic programs. Under his leadership, Masters programs in Business Administration, Biotechnology and Education were established. He also oversaw construction of the Living and Learning Center, Legacy Plaza, the Student Residential Center, the Music Center and the new University Chapel.

Claflin University has been recognized as one of the nation's Top Tier higher education institutions by publications including U.S. News and World Report, Forbes.com, Consumers Digest, Chronicle of Higher Education, and the Journal of Blacks in Higher Education.

Madam Speaker, I ask you and my colleagues to join me in congratulating Claflin University on its rich 140-year history. Claflin began as a mission to educate African American ministers and today has become one of our country's premier higher education institutions. I commend Dr. Tisdale and Claflin University for their tremendous contributions to South Carolina and its students.

HONORING DALLAS POLICE CHIEF DAVID BROWN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and congratulate Dallas Police Department's new Chief of Police, David Brown. A 27-year veteran of the Dallas Police Department, Chief Brown was sworn in to his new role earlier this month.

A graduate of Dallas Baptist University and Amberton University, Chief Brown has spent his entire police career with the Dallas Police Department. He has served as police Lieutenant, Sergeant, Senior Corporal, Officer, Deputy Chief, First Assistant Chief, Interim Dallas Assistant City Manager, and First Assistant Chief. His expanse of experience within the police department will certainly serve him well in his role as chief.

Chief Brown is a strong and dedicated manager who is extremely knowledgeable about and dedicated to the Dallas community. A native of Oak Cliff, Chief Brown has deep connections to the community he protects. He is known in the department for leading innovative projects to reduce crime, and plans to continue to explore new methods of crime prevention.

I look forward to working with Chief Brown as he seeks to increase the visibility of the Dallas Police Department and reduce crime. He has an important job ahead of him and I am confident that the dedication that has dictated his career will continue in his new role as chief.

RECOGNIZING CAPTAIN DON GRIGG FOR HIS SERVICE TO OUR COUNTRY

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BOOZMAN. Madam Speaker, I rise to recognize Captain Don Grigg, who lived a life of service to his country.

Grigg proudly served in the Vietnam War where his selflessness earned him the Silver Star, a Bronze Star and two Purple Hearts.

He was a veteran who always remembered what an honor it was to fight for freedom and defend liberty. He continued his fight off the battlefield as a strong supporter of veterans and worked to get them the benefits they earned.

Grigg's hard work on behalf of our nation's veterans was noticed by people across Arkansas. In 2008 Governor Mike Beebe appointed him to the Governor's Commission on Veterans Affairs.

As a man who devoted his life to the United States and our veterans, it is fitting that Captain Grigg will be laid to rest with his comrades at Arlington National Cemetery.

We appreciate his service to our country and our veterans appreciate his work on their behalf.

CELEBRATING THE 25TH ANNIVERSARY OF THE BOB HOPE VILLAGE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to recognize the 25th anniversary of the Bob Hope Village. Located in Shalimar, Florida, the Bob Hope Village has succeeded in creating a safe and secure housing community for enlisted Air Force widows. For that reason, Madam Speaker, I am glad to acknowledge the compassion demonstrated by the community's founders.

The Bob Hope Village was a vision of active duty and retired Air Force non-commissioned officers. Upon learning that more than 50,000 enlisted Air Force widows were living in poverty due to the challenging nature of transient military life, the group acted to create the Air Force Enlisted Village in 1967. After much determination and generosity, the vision of the community was finally realized, and in 1985 the Bob Hope Village was opened.

Due to its huge success, the Bob Hope Village has built upon its original vision of providing housing to widowers, retired military couples, parents of active duty members and spouses of enlisted members who have died or are killed on active duty. In addition to providing housing, the Village supports all surviving spouses of enlisted Air Force members financially—regardless of their financial status. Due to the benevolent work on the part of the founders and contributors of the Bob Hope Village, many lives have been impacted. In addition to the Bob Hope Village being a place that provides a home and financial security for those in need; it is also a place where individuals can find emotional comfort in sharing memories of military life.

Madam Speaker, I am so proud to represent a community of devoted citizens who have sacrificed so much for our Nation and her ideals. Through the efforts of the Bob Hope Village, spouses of enlisted Air Force members can find support and care when they need it the most. It is with much pleasure that I congratulate the Bob Hope Village on its 25th anniversary. Continue the good work and I wish the community many more years of success.

REMEMBRANCE OF NAVY PETTY OFFICER ZARIAN WOOD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to extend my deepest sympathies to the family and friends of Navy PO Zarian Wood, who died May 16 while serving in Helmand Province, Afghanistan, according to the Department of Defense.

Petty Officer Wood of Houston was a 1999 graduate of South Houston High School who had served as a youth minister and tutor before enlisting in the Navy. Known to friends and family as a giving young man, he followed his father's footsteps in service to his country.

Petty Officer Wood was deployed to Iraq as a hospital corpsman from 2007–2008 and upon returning home he volunteered for a second combat tour in Afghanistan. He was assigned to India Company, as a hospital corpsman in the Third Battalion, First Marine Regiment, First Marine Division, I Marine Expeditionary Force.

On May 14, 3½ weeks into deployment, Petty Officer Wood sustained wounds when an improvised explosive device detonated during foot patrol in the Helmand Province.

I know his father, family and friends are devastated by this loss, but they should be proud of the great man Zarian Wood had become and that he died a hero while serving his country.

His loss will be felt by all of Houston, our state, and our nation, and I ask that you remember the family in your thoughts and prayers.

I would like to submit for the record this article on Officer Wood that appeared in the Houston Chronicle on May 18.

[From the Houston Chronicle, May 18, 2010]

SAILOR SERVED AS ''DOC,'' VOLUNTEERED FOR COMBAT

(By Lindsay Wise)

Volunteer: Petty Officer Zarian Wood died Sunday of wounds suffered in Afghanistan.

Before he deployed to Afghanistan last month, Zarian Wood visited his father and brother for a week at their home in south Houston. The three men played video games, dined on steak and shrimp and lounged on camping chairs in the driveway. It was like a mini family reunion, recalled his father, Daniel Wood.

''Just before he left, he told me, 'Dad, take care of yourself and everything, and I'll be back,' '' he said.

The 29-year-old Navy petty officer third class from Houston died Sunday of wounds inflicted by a bomb blast during a foot patrol in Helmand Province. He had only been in Afghanistan about 3½ weeks.

''He was a good honest Christian man,'' said his father, a 63-year-old Vietnam veteran. ''He thought he went over there to help children and help the country better itself, and wham.''

The father took a shaking breath, still stunned by the news.

''Ah well, he's with the good Lord, you know,'' he said.

Nicknamed ''Z,'' Zarian graduated in 1999 from South Houston High School, where he'd competed on the wrestling team.

YOUTH PASTOR, TUTOR

He worked as a youth pastor and tutor for troubled kids on Houston's northeast side and a merchandiser for Coca-Cola before enlisting in 2006. His decision to undergo rigorous training to become a hospital corpsman was very much in character for him, his relatives say.

''He was a very giving young man and my mother taught all of us that when you have nothing to give you have yourself to give,'' said his sister, Teresa Robertson.

Zarian deployed to Iraq from 2007–2008. His relatives said he volunteered for his second combat tour, this time a seven-month stint in Afghanistan, where he served as ''Doc'' on the front lines alongside Marine infantrymen from Camp Pendleton, Calif. He was assigned to India Company, 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

''He was taking care of other folks,'' his father said. ''He was doing what he wanted to do, and he was doing it for his beliefs. He didn't want younger men to have to see and do what he'd seen and done over there.''

Zarian was the third Texan and third member of this Marine battalion to be killed in Afghanistan recently. Cpl. Jeffrey Johnson, 21, of Tomball was also killed May 11 by an improvised explosive device while on a foot patrol. Sgt. Kenneth B. May Jr., 26, of Kilgore, also died in that attack. Johnson and May served in Weapons Company.

The close-knit Wood family gathered on Tuesday to make funeral arrangements and remember the fallen corpsman.

''He had a good heart, very outgoing, worked out at the gym every day,'' said his older brother, Zachary Wood. ''He cared about his looks.''

''He was very meticulous about that,'' his father said with a laugh. ''He was a handsome man.''

WANTED TO BE A DENTIST

He was an honest man, too, even to the point of being blunt, his brother said.

''Yeah, he'd tell you in a flat minute if you were wrong,'' his father said. ''Then again, he'd stand up for you in a flat minute if you were right.''

He said his son dreamed of going back to school someday.

''He wanted to study radiology and then after he got that degree, he was going to try to become a dentist,'' he said.

''He was all about living life, living life to the fullest,'' his brother said.

Zarian was preceded in death by his mother, Nellie Sue Wood. He is survived by his father, Daniel Wood, and siblings Zachary Wood, Krista Hamilton, Teresa Robertson, Victor Robertson and Micah Dixon. Funeral arrangements are pending.

RECOGNIZING THE PASSING OF BRIG. GEN. HARRY ''HEINIE'' ADERHOLT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the life of Brigadier General Harry C. Aderholt. General Aderholt's life of dedicated service to this country throughout times of conflict and times of peace is truly remarkable. It is a great privilege to recognize him on this day.

General Aderholt was the epitome of a military officer, and he will always be remembered for the type of man he was—a natural leader, always ready to go above and beyond the call of duty. Growing up in Birmingham, Alabama as one of seven children, there is no doubt that his strong character began to take root during his childhood, fully blossoming into the virtues of integrity, discipline and diligence.

General Aderholt's illustrious career as an Air Force officer is filled with numerous leadership and command positions throughout the world. From serving as a young pilot during World War II to being assigned Commander of the United States Military Assistance Command, Thailand, General Aderholt was a patriot that bravely served this country for over 30 years. Through his distinguished and decorated career, General Aderholt earned many awards including the Legion of Merit with two oak leaf clusters, Distinguish Flying Cross with one oak leaf cluster, and the Bronze Star Medal with one oak leaf cluster.

On behalf of the United States Congress, Madam Speaker, I am honored to recognize the life and deeds of Brigadier General Harry C. Aderholt. A true patriot, a committed community leader and loving family man—he will be missed by many, but his memory will remain. My wife Vicki and I extended our prayers and thoughts to the entire Aderholt family.

RECOGNIZING CHIEF DAVID ROHR UPON HIS RETIREMENT FROM THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Assistant Chief of Operations David Rohr, who is retiring from the Fairfax County Fire and Rescue Department and will take over as Fire Chief for The City of Fairfax Fire Department.

Native to Vienna, Va., Chief Rohr developed an interest in fire fighting at an early age. He became involved with his local volunteer fire department at the age of 16. It did not take long for Chief Rohr to realize this was to become his life's pursuit. Upon graduating from high school, he began working for the Fairfax County Fire and Rescue Department's Annandale Station. After four years, Chief Rohr was promoted to driver and later Sergeant. Over the next 18 years he continued to move up the ranks to the position of Assistant Chief of Operations.

Chief Rohr is an accomplished firefighter and leader in one of the finest and most respected fire departments in the country. Besides its superb service in Fairfax, the department has a world-class urban search and rescue team that has provided critical assistance during the aftermaths of major catastrophes such as Hurricane Katrina, the Indonesian tsunami, and earthquakes. The team most recently spent several weeks in Haiti searching for victims of that devastating quake.

Chief Rohr's skills as a firefighter are grounded in rigorous education as well as a lifetime of experience. Chief Rohr earned a Bachelor of Science degree in technology and management/fire science from the University of Maryland. He is a graduate from the National Fire Academy's executive fire officer program and has also completed the University of Virginia Darien Business School Senior Executive Institute and Leadership Development Institute.

Although Chief Rohr is leaving the Fairfax County Fire and Rescue Department, he will continue to serve residents in the 11th Congressional District as the new fire chief for Fairfax City. His reputation as an effective leader made him the ideal candidate for the position and he was appointed by a unanimous vote of the Fairfax City Council.

Madam Speaker, I ask my colleagues to join me in thanking David Rohr for his years of service to the citizens of Fairfax County and to congratulate him on his new position as Fire Chief for the City of Fairfax. He, along with first responders in every community, are deserving of our deepest respect and gratitude.

IN RECOGNITION OF THE FOR PROFIT COMMUNICATOR OF THE YEAR AWARD RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to congratulate Ms. Jessica Morris upon receiving the For Profit Communicator of the Year Award from the Pensacola chapter of the Florida Public Relations Association. The people of Northwest Florida and International Paper have greatly benefited from Jessica's dedication to her work.

Ms. Morris is highly deserving of the For Profit Communicator of the Year award for her ability to balance the unique needs of her job as Communications Manager to International Paper, located in Pensacola, Florida. Not only does Ms. Morris effectively fulfill her responsibilities of communicating with the mill's 530 employees, she routinely connects employees through a weekly employee newsletter of her own creation. Moreover, she goes the extra mile to reach the public. Ms. Morris has spent a great deal of time ensuring that the environmental concerns and contributions of International Paper are known throughout Northwest Florida.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Ms. Jessica Morris as the Florida Public Relations For Profit Communicator of the Year. Her steadfast work ethic and creative ideas have benefitted many in my district. My wife Vicki and I wish Ms. Morris and her loved ones all the best for the future.

A TRIBUTE TO THE PHILADELPHIA PRIME MOVERS PROGRAM AND ACEL MOORE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor the Philadelphia Tribune, the oldest, continuously published African American owned newspaper in the nation. For 125 years the Tribune has chronicled the African American story while also being an important part of that story.

The Tribune was founded in 1884 by Christopher Perry only 19 years after the end of the U.S. Civil War. Perry, born in Baltimore, Maryland, in 1856, moved to Philadelphia at the age of 17, intent on starting a newspaper. He said, ''For my people to make progress, they must have a newspaper through which they can speak against injustice.''

Perry published the first edition of the Tribune Weekly when he was 28. To put the debut of the one-page and one-man operation newspaper in an historical context, that same year African American inventor Lewis Lattimer began working for Thomas Edison, Tuskegee Institute was founded by Booker T. Washington and Harriet Tubman was still alive. After Perry died in 1921, the leadership of the newspaper passed to his son-in-law, E. Washington Rhodes.

From 1922 to 1970, Rhodes was at the helm of the newspaper as publisher. An attorney, Rhodes was also an assistant U.S. Attorney for the Eastern District, appointed by President Calvin Coolidge. He was the first Black to be appointed to that position. Additionally, he served as president of the National Bar Association; was elected to the Pennsylvania House of Representatives in 1938; and, was president of the National Publishers Association (NNPA), a national trade organization of African American owned newspapers.

Over the past decades, committed to the newspaper's mission as stated by Perry, the Tribune has been led by Eustace Gay, John Saunders, Alfred Morris and Waverly Easley. And today, under the leadership of Chairman Walter Livingston, Jr., and President/CEO Robert Bogle, the Tribune newspaper continues to expand and has been the recipient of numerous national awards including the NNPA's John B. Russwurm Award for ''Best Newspaper in America Award and the A. Philip Randolph ''Messenger Award.''

President Bogle stresses that after 125 years the mission of the Philadelphia Tribune has not changed very much. ''For 125 years the Tribune has been the voice of those who would have been voiceless.'' And, for that reason today Madam Speaker, I salute the proud history, advocacy and courage of the Philadelphia Tribune. The Tribune is an historic trailblazer whose light continues to lead on the path to justice and equality for the voiceless.

IN RECOGNITION OF THE NON PROFIT COMMUNICATOR OF THE YEAR AWARD RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to congratulate Mr. Jeff Nall upon receiving the Non Profit Communicator of the Year Award from the Pensacola chapter of the Florida Public Relations Association.

Mr. Jeff Nall frequently goes above and beyond his responsibilities as the Vice President of Communications and Marketing for the Council on Aging of West Florida. To achieve the Council's mission of educating the community to the unique needs of seniors, Mr. Nall utilizes an assortment of media tactics. His innovative techniques include a weekly television show geared toward seniors and monthly email newsletters. Due to his proactive approaches to reaching the public, many senior residents have benefitted.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Mr. Jeff Nall as the Florida Public Relations Non Profit Communicator of the Year. I am grateful for the positive work he does to improve the lives of seniors in my district. My wife Vicki and I wish Mr. Nall and his family all the best for the future.

RECOGNIZING THE CENTENNIAL CAMPOREE FOR THE NATIONAL CAPITAL AREA COUNCIL OF THE BOY SCOUTS OF AMERICA AND THE 100TH ANNIVERSARY OF THE BOY SCOUTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the National Capital Area Council of the Boy Scouts of America and to extend my congratulations on the occasion of the 100-year anniversary of the Boy Scouts of America. This month also marks the Centennial Camporee for the National Capital Area Council, ''Scouting in Action, A Century of Values.'' Thousands of attendees will participate in the 2010 Camporee which will be held in Goshen, Virginia.

The Boy Scouts were founded in the United States on February 8, 1910, by William D. Boyce when he incorporated the Boy Scouts of America. The Boy Scouts of America instills in young Americans the values and traits of being a good citizen. After 100 years of scouting, these founding principles have guided over 100 million Boy Scouts to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

The National Capital Area Council has a distinguished history within the Boy Scouts. Its predecessor, the District of Columbia Council was the first area Council for the Boy Scouts of America. In 1913, the DC Council was recognized by President Woodrow Wilson for its service during his Presidential inauguration, which began a tradition of Boy Scout involvement in presidential inaugurations. With the addition of Arlington, the District of Columbia Council was reorganized and renamed the National Capital Area Council.

The link between citizenship and scouting, combined with strong leadership and proximity to the Federal Government, has enabled the National Capital Area Council to be a leader within the Boy Scouts of America organization. This Council is now one of the largest in the country and is comprised of troops from 10 counties in Northern Virginia, six counties in Maryland, and the District of Columbia.

The influence and importance of scouting cannot be overstated. Scouting instills and reinforces strong character traits such as commitment to the community, value of working to achieve a goal, discipline and honesty. Scouting alumni include world leaders in virtually every field: Politics, medicine, entertainment, sports, and science.

Madam Speaker, I ask that my colleagues join me in congratulating the Boy Scouts of America on the occasion of their 100th anniversary as well as in extending our best wishes for a successful and fun filled Camporee. I

also would like express my deep appreciation to the troop leaders and parents for their commitment to teaching our youth the skills and values that will serve them well throughout their lives.

IN RECOGNITION OF THE CRISIS COMMUNICATOR OF THE YEAR AWARD RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to congratulate Ms. Sonya Daniel upon receiving the Crisis Communicator of the Year Award from the Pensacola chapter of the Florida Public Relations Association.

In her role as the Public Information Officer for Escambia County, Ms. Sonya Daniel is responsible for disseminating vital information to the public during times of crisis. During tropical storms and hurricanes Ms. Daniel has remained calm and levelheaded. Amidst panic, she effectively relayed important information to residents of Escambia County on how to prepare and respond to crises. She was recognized by the Florida Public Relations Association for her streamline approach to communicating with the media. Ms. Daniel is known for utilizing all the resources of local media to reach concerned citizens as quickly as possible.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Mr. Sonya Daniel as the Florida Public Relations Crisis Communicator of the Year. I am grateful for the work she does to inform the residents of my district of critical information. My wife Vicki and I wish Ms. Daniel and her family all the best for the future.

IN MEMORY OF BYRON ATHAN

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MCNERNEY. Madam Speaker, today Congressman JOHN GARAMENDI and I ask our colleagues to join us in honoring the life of Byron Athan, who passed away at age 91 on November 25, 2009.

Byron Athan was passionate about public service. He dedicated his life to serving his country and community for over 68 years and Byron started his unique and distinguished career by joining the U.S. Army. He later became a fixture in the San Ramon Valley, authoring the City of San Ramon's Charter and later serving in city government in multiple capacities including as Mayor and City Attorney.

Byron Athan joined the Army in 1941 and retired in 1964 at the rank of Lieutenant Colonel. He served during WWII in the Pacific Theater. Other assignments included tours in post war Germany and Japan, as well as assignments in Fort Lee and Fort Belvoir, Virginia, Ft. Leavenworth, Kansas, and at the Pentagon as a member of the Army Staff.

Bryon Athan was vital to the incorporation of the City of San Ramon in 1983. He wrote the City Charter and served as San Ramon City Attorney from 1983 until his election to the City Council in 1995. He was San Ramon Mayor from 1998 to 1999. He returned to the City Attorney post from 2004 until he retired in October of 2009 at age 91 as one of the most experienced practicing attorneys in California.

Byron lived life with a passion for exploration and adventure. Byron finished the marathon in Greece based on the original completed by the ancient Greek Pheidippides, as well as races in San Francisco and Hawaii. His spirit did not diminish with time. He celebrated his 90th birthday with a 100-mile bike ride.

Byron's years of service to his community touched the lives of many and improved the quality of life in San Ramon. He led by example and in the words of former San Ramon Mayor Diane Schinnerer, "he is known and respected for his honesty, integrity, work ethic, and knowledge of the law." Athan Downs Park in San Ramon, is dedicated in Mr. Athan's honor because of his successful advocacy for parkland in the city.

Byron Athan's dedication to public service leaves a legacy that will continue to benefit the people of San Ramon, the state of California and our great nation for generations to come. It is for these reasons that Congressman JOHN GARAMENDI and I ask our colleagues to join us in honoring the memory of Byron Athan and in sending our thoughts and prayers to his beloved family and friends.

RECOGNIZING THE WORK OF LANI FURBANK AND KEVIN HARGROVE TO ORGANIZE "A HAND UP, NOT A HAND OUT" BENEFIT CONCERT FOR AFRICA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize "A Hand Up, Not a Hand Out" Benefit Concert for Africa. This Benefit Concert will raise money for sustainable investments in Africa through the Development in Gardening charity organization.

Development in Gardening seeks to improve the health and well being for HIV-positive and other at-risk individuals in developing nations. This is accomplished by teaching the skills and providing the infrastructure to create sustainable community gardens, thereby empowering people to improve both their nutrition and earning potential. The program reaches out to orphanages, hospitals and outpatient facilities to install micro gardens that provide not only a steady source of healthy, fresh vegetables but a sense of community and purpose. It focuses on improved nutrition, food security, micro-enterprise development, home garden extension, personal empowerment, and social change.

This benefit concert is anticipated to raise $5,000 to fund the program's ongoing efforts. I would like to commend Lani Furbank and Kevin Hargrove for their commitment to helping those in need. Lani and Kevin have organized this event, which will result in the betterment of countless lives in Africa. Residents of Northern Virginia have a strong record of community involvement and charitable giving. I am honored to represent a district that is always willing to help those in need, both at home and around the world.

Madam Speaker, I ask my colleagues to join me in recognizing the contributions of Development in Gardening and, particularly, the efforts of Lani Furbank and Kevin Hargrove. By supporting sustainable micro-economic development projects, we invest in the continued well being of others. We provide the tools and education for people to be self-sufficient and live in dignity.

IN RECOGNITION OF THE SERVICE OF DAVID "DAVE" O. MILLER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today in recognition of the service of David O. Miller from the Protocol Office of the Air Armament Center, Eglin Air Force Base, Florida. Mr. Miller retires today after 49 years total federal service, 28 years in the United States Air Force and 21 years of Civilian Service. I am proud to recognize his vast contributions to national security through his humble service to this great Nation in the United States Air Force, both as a member of active duty as well as a civil servant.

Mr. Miller is a native of Loris, South Carolina. He graduated from Loris High School in June 1962, and began his military career with the United States Air Force in September, 1962. He later attended the University of Tampa and the El Paso and Pike's Peak community colleges. In his military career, he first served as an Administrative Apprentice and retired as a Senior Master Sergeant in February 1991.

The United States Air Force has been in existence more than six decades and Mr. Miller has been serving her for almost five decades beginning in 1962. He began his protocol career in 1976 when General Chappie James directed the establishment of the first protocol office at Peterson Air Force Base, Colorado. Mr. Miller was one of three people chosen to establish the organization. His outstanding performance in the protocol field eventually led to General Gregory Martin, Commander, Air Force Materiel Command, honoring him for superior performance in his duties by awarding him the Commander's Recognition Award in 2004. Mr. Miller was the second person to receive this award.

After retiring as a Senior Master Sergeant following 28 years of active duty service in the United States Air Force, Mr. Miller began his civilian federal service career in 1991 as a protocol assistant with the Protocol Office of the Air Armament Center at Eglin Air Force Base. Throughout his career, Mr. Miller demonstrated superior performance as a compassionate leader driven by a tremendous sense of purpose. He pursued excellence each day at the Air Armament Center, contributing immensely to its mission success. He consulted on protocol matters to ten Eglin center commanders, all of whom were charged with leading the world's largest Air Force Base. With Eglin being one of the most visited military facilities in the Department of Defense, Mr. Miller tirelessly contributed to a team of round-

the-clock-protocol support, decade after decade. From meeting aircraft with dignitaries on the flight line in the early hours to planning and directing social functions at the general's residence into the late evening, Mr. Miller upheld the rules of decorum for tasks small and large with professionalism and enthusiasm.

The most notable example of Mr. Miller's exceptional commitment to seeing to the needs of Eglin airmen, civilians and family members at large was during a memorial service attended by more than five thousand people. This was held on base to reflect upon the twelve fallen Airmen from the 33rd Fighter Wing at Eglin Air Force Base who were killed in the Dhahran Air Base bombing of the Kohbar Towers in Saudi Arabia in June, 1996. The memorial, organized by Mr. Miller and held a few days after the bombing, was recognized as "an absolutely flawless ceremony and an outstanding tribute to our fallen warriors," by the Air Force Development Test Center Commander. Mr. Miller was awarded the Exemplary Civilian Service Award for his work.

He is married to the former Carmen Sue Brown of Dublin, Georgia, and they have one son, Michael, who resides in Denver, Colorado.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Mr. David O. Miller for his excellent leadership and service to the United States Air Force both as a military member and civil servant. His dedication to our Nation is most deserving of this recognition. From all the constituents of Florida's First Congressional District, I would like to congratulate him on his retirement and wish him well in his future endeavors.

BLUE STAR/GOLD STAR FLAG ACT OF 2009

SPEECH OF

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. FOXX. Madam Speaker, it is no coincidence that the greatest country in the history of civilization also happens to have the world's finest military. The strength and caliber of our military results from a variety of factors, not the least of which is the way in which our government provides for the veterans and their families who have sacrificed so much. Indeed, my love and passion for supporting America's veterans is second-to-none.

Wednesday, May 19, the House passed H.R. 2546, the Blue Star/Gold Star Flag Act of 2009 by voice vote. This legislation would impose a federal prohibition against a homeowners' association policy preventing residents from displaying a Service flag on or around their homes. This proposal is a response to an incident in which a homeowners' association prevented an Ohio woman from displaying a Service flag honoring her son who served in Operation Desert Storm and again in 2003 in Iraq. Although the homeowners' association ultimately made an exception in this circumstance, such policies are offensive to many Americans, such as myself, who hold such great affection for our country's cherished service members and veterans.

In this respect, I can certainly appreciate the support for legislation such as H.R. 2546. However, I take exception with this matter coming before Congress, since this body has no Constitutional authority to impose such a mandate on the private sector. Indeed, matters such as this are best left to the discretion of local governments or civic associations.

Allowing Congress to possess this type of authority could ultimately lead to more controversial proposals. Certainly there would be great objections raised if Congress sought to prohibit homeowners' association policies preventing the display of the Confederate flag or nativity scenes. On the other hand, one must wonder whether Congress could one day prohibit speech of the minority which our Founding Fathers so vehemently sought to protect.

Our Constitution established a set of enumerated powers to prevent Congress from seizing illegitimate powers. Despite the best of intentions, the rule of law rightly supersedes congressional desires to respond to the passions of the moment. Doing otherwise would set a precedent, opening the flood gates to future policies considerably more problematic than the one before us today.

The framers of the Constitution envisioned a nation composed of states empowered to govern according to the will of the people, with a Federal Government tasked with limited responsibilities and powers. As the 10th amendment states so clearly, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Each time the Federal Government, even with the finest motivations, intrudes into the jurisdiction of the States and the people of America, the Constitution is further undermined and the erosion of liberty continues apace.

Good intentions were never meant to stand in for constitutional governance. Congress must rein in its tendency to legislate solutions to even the smallest of "problems" that would be better left to local problem-solvers in either local government or private citizen associations. With each passing usurpation of the rights of State and local governments and with each imposition of a federal one-size-fits-all "solution," Congress dilutes the strength of federalism and pushes our nation closer to dependency upon a power-hungry central government.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 27, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 28

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

JUNE 8

10 a.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine the state of American children.

SD–430

JUNE 9

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold an oversight hearing to examine the enforcement of the antitrust laws.

SD–226

3 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 2891, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, S. 2779 and H.R. 3671, bills to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, S. 3387, to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purpose, S. 3404, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California.

SD–366

JUNE 10

10 a.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine assessing the effects of the Deepwater Horizon oil spill on states, localities and the private sector.

SD–342

JUNE 16

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.

SR–418

JUNE 17

9:30 a.m.

Armed Services

To hold hearings to examine the New Strategic Arms Reduction Treaty (START) and the implications for national security programs.

SD–106

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4397–S4472

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 3425–3431, and S. Res. 540. **Pages S4441–42**

Measures Passed:

National Hereditary Hemorrhagic Telangiecstasia (HHT) Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 508, recognizing June 2010 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States, and the resolution was then agreed to. **Pages S4469–70**

National Brain Tumor Awareness Month: Committee on the Judiciary was discharged from further consideration of S. Res. 537, designating May 2010 as ''National Brain Tumor Awareness Month'', and the resolution was then agreed to. **Page S4470**

National Small Business Week: Senate agreed to S. Res. 540, honoring the entrepreneurial spirit of small businesses in the United States during ''National Small Business Week'', beginning May 23, 2010. **Pages S4470–71**

Measures Considered:

Emergency Supplemental Appropriations Act—Agreement: Senate continued consideration of H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S4398–S4437**

Pending:

Reid Amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Pages S4398, S4416**

Sessions/McCaskill Amendment No. 4173, to establish 3-year discretionary spending caps. **Pages S4398, S4409–10**

Wyden/Grassley Amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter. **Page S4398**

Feingold Amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan. **Page S4398**

McCain Amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States. **Pages S4398, S4422–24**

Cornyn Modified Amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111–5. **Pages S4398, S4422–24**

Lautenberg Modified Amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oil spill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill. **Page S4398**

Cardin Amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the outer Continental Shelf. **Page S4398**

Kyl/McCain Modified Amendment No. 4228 (to Amendment No. 4202), to appropriate $200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset. **Pages S4398, S4419–20**

Coburn/McCain Amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress' own budget and disposing of unneeded Federal property and uncommitted Federal funds. **Pages S4398, S4406–09, S4424–28**

Coburn/McCain Modified Amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government. **Pages S4398, S4406–09, S4424–28**

Landrieu/Cochran Amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes. **Page S4398**

Landrieu Amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oil spill. **Page S4398**

Landrieu Modified Amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico at full Federal expense. **Page S4398**

Landrieu Amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis. **Page S4398**

Landrieu Amendment No. 4182, to require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program. **Page S4398**

Landrieu Amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico. **Page S4398**

Ensign/Reid Amendment No. 4229, to prohibit the transfer of C–130 aircraft from the National Guard to a unit of the Air Force in another State. **Page S4405**

Ensign/Reid Modified Amendment No. 4230, to establish limitations on the transfer of C–130H aircraft from the National Guard to a unit of the Air Force in another State. **Pages S4405–06, S4421–22**

Isakson/Chambliss Amendment No. 4221, to include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available. **Page S4406**

Collins Amendment No. 4253, to prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency. **Pages S4410–16**

Menendez Amendment No. 4289 (to Amendment No. 4174), to require oil polluters to pay the full cost of oil spills. **Pages S4416–19**

A unanimous-consent-time agreement was reached providing that on Thursday, May 27, 2010, after any Leader time, Senate continue consideration of the bill, and continue consideration of the following amendments in the order listed: McCain Amendment No. 4214 (listed above), Kyl/McCain Modified Amendment No. 4228 (to Amendment No. 4202) (listed above), Cornyn Modified Amendment No. 4202 (listed above), as amended, if amended; and that the Cornyn amendment be further modified with the changes at the desk; that there be a total of 20 minutes for debate, with the time divided 5 minutes each to Senators McCain, Kyl, Cornyn and Schumer, or their designees, with respect to border security related amendments; and that after the first vote in this sequence, the succeeding votes be limited 10 minutes each; and that after the first vote, there be 2 minutes, equally divided in the usual form, prior to the succeeding votes; and that no amendments be in order to the amendments covered in this agreement, other than as identified in this agreement; that if a budget point of order is raised against the border security amendments, then a motion to waive the applicable budget point of order be considered made; and Senate vote on the motion to waive the applicable budget point of order; that if the waivers are successful, then the amendments be agreed to; that if the waivers fail, then the amendments be withdrawn; that upon disposition of above referenced amendments, Senate then consider Feingold Amendment No. 4204 (listed above), and Coburn/McCain Modified Amendment No. 4231 (listed above) and Coburn/McCain Amendment No. 4232 (listed above), and that they be debated concurrently for a total of 15 minutes, prior to a vote on or in relation thereto, with 5 minutes each under the control of Senators Feingold, Coburn and Inouye, or their designees; that no amendment be in order to these amendments prior to the votes; that upon the use or yielding back of time, Senate vote on or in relation to the amendments in the order listed; provided that the pending committee reported substitute amendment not be subject to any rule 16 point of order; that upon the disposition of these amendments, Senate vote on the motion to invoke cloture on the committee-reported substitute amendment; provided further, that the filing deadline for second-degree amendments be 11 a.m. **Page S4471**

Nominations Received: Senate received the following nominations:

Matthew J. Bryza, of Illinois, to be Ambassador to the Republic of Azerbaijan.

Mark Charles Storella, of Maryland, to be Ambassador to the Republic of Zambia.

2 Army nominations in the rank of general. **Page S4472**

Messages from the House: **Page S4441**

Measures Referred: **Page S4441**

Measures Placed on the Calendar: **Pages S4397, S4441**

Executive Reports of Committees: **Page S4441**

Additional Cosponsors: **Pages S4442–44**

Statements on Introduced Bills/Resolutions: **Pages S4444–46**

Additional Statements: **Pages S4440–41**

Amendments Submitted: Pages S4446–68

Notices of Intent: Pages S4468–69

Notices of Hearings/Meetings: Page S4469

Authorities for Committees to Meet: Page S4469

Privileges of the Floor: Page S4469

Recess: Senate convened at 9:30 a.m. and recessed at 7:36 p.m., until 9:30 a.m. on Thursday, May 27, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4471.)

Committee Meetings

(Committees not listed did not meet)

FOREST SERVICE AND INTERIOR FIRE FIGHTING POLICY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine firefighting policy with the U.S. Forest Service and the Department of the Interior, after receiving testimony from Representative Schiff; Tom Tidwell, Chief, Forest Service, Department of Agriculture; and Mike Poole, Deputy Director, Bureau of Land Management, Department of the Interior.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on SeaPower met in a closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2011.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Committee began consideration of the proposed National Defense Authorization Act for fiscal year 2011, but did not complete action thereon, and will meet again on Thursday, May 27, 2010.

AMERICANS WITH DISABILITES ACT

Committee on Commerce, Science, and Transportation: Subcommittee on Communications and Technology concluded a hearing to examine innovation and inclusion, focusing on the Americans with Disabilities Act at 20, including H.R. 3101, to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century, and S. 3304, to increase the access of persons with disabilities to modern communications, after receiving testimony from Representative Markey (MA); Bobbie Beth Scoggins, National Association of the Deaf (NAD), Sioux Falls, South Dakota, and Russell Harvard, Austin, Texas, both on behalf of the Coalition of Organizations for Accessible Technology (COAT); Thomas Wlodkowski, AOL Inc., Dulles, Virginia; Walter B. McCormick, Jr., United States Telecom Association, Washington, D.C., and Brian K. Pearce, Mechanicsville, Virginia.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Joshua Gotbaum, of the District of Columbia, to be Director of the Pension Benefit Guaranty Corporation, and Richard Sorian, of New York, to be Assistant Secretary of Health and Human Services, after the nominees testified and answered questions in their own behalf.

SUDAN

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine assessing challenges and opportunities for peace in Sudan, after receiving testimony from Katherine J. Almquist, National Defense University Africa Center for Strategic Studies, Alison Giffen, Henry L. Stimson Center, and Anne C. Richard, International Rescue Committee, all of Washington, D.C.; and David Mozersky, Humanity United, Redwood City, California.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 2781, to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability, with an amendment in the nature of a substitute; and

The nominations of David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy, and Adam Gamoran, of Wisconsin, Deborah Loewenberg Ball, of Michigan, Margaret R. McLeod, of the District of Columbia, and Bridget Terry Long, of Massachusetts, all to be a Member of the Board of Directors of the National Board for Education Sciences.

NOMINATION

Committee on Indian Affairs: Committee concluded a hearing to examine the nomination of Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission, after receiving testimony from Brian Cladoosby, Swinomish Indian Tribal Community, LaConner, Washington, after the nominee testified and answered questions in her own behalf.

LINE-ITEM VETO PROPOSALS

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine the legality and efficacy of line-item veto proposals, after receiving testimony from Senator Carper; Jeffrey B. Liebman, Acting Deputy Director, Office of Management and Budget; and Ryan Alexander, Taxpayers for Common Sense (TCS), Charles J. Cooper, Cooper & Kirk, PLLC, and Alison Acosta Fraser, The Heritage Foundation, all of Washington D.C.

DIETARY SUPPLEMENTS

Special Committee on Aging: Committee concluded a hearing to examine dietary supplements, focusing on what seniors need to know, and deceptive or questionable marketing practices and potentially dangerous advice, after receiving testimony from Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office; Joshua M. Sharfstein, Principal Deputy Commissioner, Food and Drug Administration, Department of Health and Human Services; Tod Cooperman, ConsumerLab.com, LLC, White Plains, New York; Charles Bell, Consumers Union, Yonkers, New York; and Steve Mister, Council for Responsible Nutrition, Washington, D.C., on behalf of the American Herbal Products Association (AHPA), Consumer Healthcare Products Association (CHPA), Council for Responsible Nutrition (CRN), Natural Products Association (NPA), and United Natural Products Alliance (UNPA).

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 5402–5420; and 8 resolutions, H.J. Res. 87; H. Con. Res. 281; and H. Res. 1397–1402 were introduced. **Pages H3869–70**

Additional Cosponsors: **Pages H3870–71**

Reports Filed: Reports were filed today as follows:

H.R. 5114, to extend the authorization for the national flood insurance program and to identify priorities essential to reform and ongoing stable functioning of the program, with an amendment (H. Rept. 111–495);

Report of the Committee on Standards of Official Conduct (H. Rept. 111–496);

Supplemental report on H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense and to prescribe military personnel strengths for such fiscal year (H. Rept. 111–491, Pt. 2);

H. Res. 1403, providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions (H. Rept. 111–497); and

H. Res. 1404, providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes (H. Rept. 111–498). **Page H3869**

Speaker: Read a letter from the Speaker wherein she appointed Representative Jackson (IL) to act as Speaker pro tempore for today. **Page H3827**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site: H. Res. 1347, to honor the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, to extend condolences to their families, and to recognize the valiant efforts of emergency response workers at the disaster site, by a ⅔ yea-and-nay vote of 403 yeas with none voting "nay", Roll No. 302 and **Pages H3831–33, S3837–38**

Supporting the goals and ideals of RV Centennial Celebration Month: H. Res. 1073, to support the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of the enjoyment of recreational vehicles in the United States. **Pages H3833–34**

Recess: The House recessed at 11:10 a.m. and reconvened at 5:45 p.m. **Page H3837**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development: H. Res. 1391, amended, to congratulate Israel for its accession to membership in

the Organization for Economic Co-operation and Development. **Pages H3834–37**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, May 25th:

Recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans: H. Res. 1385, to recognize and honor the courage and sacrifice of the members of the Armed Forces and veterans, by a ⅔ yea-and-nay vote of 414 yeas with none voting "nay", Roll No. 303; **Page H3838**

Celebrating Asian/Pacific American Heritage Month: H. Res. 1316, amended, to celebrate Asian/Pacific American Heritage Month, by a ⅔ recorded vote of 408 ayes with none voting "no", Roll No. 304; and **Pages H3838–39**

Honoring the 125th anniversary of Rollins College: H. Res. 1169, amended, to honor the 125th anniversary of Rollins College, by a ⅔ recorded vote of 371 ayes to 36 noes, Roll No. 305. **Pages H3839–40**

Supplemental Report: Agreed that the Committee on Armed Services be permitted to file a supplemental report on H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes. **Page H3840**

Committee Election: The House agreed to H. Res. 1397, electing the following Member to certain standing committees of the House of Representatives: Committee on Armed Services: Representative Critz (to rank immediately after Representative Garamendi). Committee on Small Business: Representative Critz (to rank immediately after Representative Nye). **Page H3840**

Senate Message: Message received from the Senate today appears on page H3827.

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H3837, H3838, H3838–39 and H3839–40. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:13 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported, as amended, the following bills: H.R. 5320, Assistance, Quality, and Affordability Act of 2010; H.R. 5381, Motor Vehicle Safety Act; H.R. 4805, Formaldehyde Standards for Composite Wood Products Act; and H.R. 4451, Collinsville Renewable Energy Promotion Act.

HOUSING GOVERNMENT SPONSORED ENTERPRISES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing entitled "FHFA Oversight: Current State of the Housing Government Sponsored Enterprises." Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency.

ANTI-TERRORIST FUNDING EFFORTS IMPACT ON CHARITIES

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Anti-Money Laundering: Blocking Terrorist Financing and Its Impact on Lawful Charities." Testimony was heard from Daniel Glaser, Deputy Assistant Secretary, Terrorist Financing and Financial Crimes, Department of the Treasury; and public witnesses.

INTERNET TERROR RECRUITMENT AND TRADECRAFT

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech?" Testimony was heard from public witnesses.

SUPREME COURT'S ANIMAL CRUELTY VIDEO DECISION

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on United States v. Stevens: The Supreme Court's Decision Invalidating the Crush Video Statute. Testimony was heard from Representatives Peters and Gallegly; and public witnesses.

DEEPWATER HORIZON EXPLOSION'S OIL STRATEGY IMPACT

Committee on Natural Resources: Held an oversight hearing entitled "Outer Continental Shelf Oil and Gas Strategy and Implications of the Deepwater Horizon Rig Explosion." Testimony was heard from the following officials of the Department of the Interior: Ken Salazar, Secretary; David Hayes, Deputy Secretary; Mary L. Kendall, Acting Inspector General; and Elizabeth Birnbaum, Director, Minerals Management Service; RADM James Watson, USCG, Deputy Unified Area Commander on the Deepwater Horizon Fire and MC 252 Oil Spill, U.S. Coast Guard, Department of Homeland Security; and Jane Lubchenco, Under Secretary, Oceans and Atmosphere and Administrator NOAA, Department of Commerce.

REDUCING DENTAL OFFICES' MERCURY POLLUTION

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled "Assessing EPA's Efforts to Measure and Reduce Mercury Pollution from Dentist Offices." Testimony

was heard from Nancy Stoner, Deputy Assistant Administrator, Water, EPA; and public witnesses.

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 4213) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXTEND CERTAIN EXPIRING PROVISIONS, AND FOR OTHER PURPOSES

Committee on Rules: Granted, by a non-record vote, a closed rule providing for consideration of the Senate amendment to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes. The rule makes in order a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to H.R. 4213 with the amendment printed in part A of the Rules Committee report, modified by the amendment printed in part B. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. The rule tables House Resolution 392.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 5136, the ''National Defense Authorization Act for Fiscal Year 2011.'' The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the rule. The amendments made in order may be offered only in the order printed in the Rules Committee report (except as specified in section 4 of the rule), may be offered only by a Member designated in the Committee report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments printed in the report or amendments en bloc are waived except those arising under clause 9 or 10 of rule XXI.

The rule provides that the chair of the Committee on Armed Services or his designee may offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendments. Amendments en bloc shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule provides that the Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the Committee report out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect. The rule provides one motion to recommit with or without instructions.

The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill.

The rule provides that, in engrossment, the Clerk shall add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136.

The rule waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against rules reported from the Rules Committee through the legislative day of June 1, 2010.

Finally, the rule provides that measures may be considered under suspension of the rules at any time through Sunday, May 30, 2010, and that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration under suspension of the rules. Testimony was heard from Chairman Skelton and Representatives Spratt, Ortiz, Langevin, Bordallo, Sestak, Hastings of Florida, Dingell, Stark, Price of North Carolina, Eshoo, Filner, Gutierrez, Blumenauer, Etheridge, Inslee, Larson of Connecticut, Watson, Lipinski, Murphy of Connecticut, Patrick Murphy of Pennsylvania, Walz, Wilson of Ohio, Richardson, Foster, Driehaus, Grayson, Titus, Tonko, Faleomavaega, McKeon, Coffman, Sessions, Young of Alaska, Duncan, Kingston, Hastings of Washington, Shadegg, Tiahrt, Terry, Rehberg,

Bonner, Gingrey, Tim Murphy of Pennsylvania, Fortenberry, Heller and Luetkemeyer.

NASA HUMAN SPACEFLIGHT PLAN

Committee on Science and Technology: Held a hearing to review the Proposed National Aeronautics and Space Administrations Human Spaceflight Plan. Testimony was heard from Charles F. Bolden, Jr., Administrator, NASA; Neil A. Armstrong, Commander, Apollo 11; CAPT Eugene A. Cernan, USN (ret.), Commander, Apollo 17; and a public witness.

SMALL BUSINESS JOB CREATION ECONOMIC RECOVERY

Committee on Small Business: Held a hearing entitled ''Heroes of Small Business.'' Testimony was heard from public witnesses.

RECOVERY ACT INFRASTRUCTURE INVESTMENTS

Committee on Transportation and Infrastructure: Held a hearing on Recovery Act: Progress Reports for Infrastructure Investments. Testimony was heard from Craig E. Hooks, Assistant Administrator, Administration and Resources Management, EPA; Terrence C. Salt, Deputy Assistant Secretary (Civil Works), U.S. Army Corps of Engineers, Department of Defense; Mary Walsh, Chief of Staff, Public Buildings Service, ARRA National Recovery Program Management Office, GSA; John Fernandez, Assistant Secretary, Economic Development, Department of Commerce; Elizabeth Harman, Assistant Administrator, Grant Programs, FEMA, Department of Homeland Security; David Trimble, Acting Director, Natural Resources and Environment, GAO; and public witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

MINIMIZING GREAT RECESSION IMPACT

Joint Economic Committee: Committee concluded a hearing to examine how to minimize the impact of the great recession on young workers, after receiving testimony from Till M. von Wachter, Columbia University, and David R. Jones, Community Service Society, both of New York, New York; Harry J. Holzer, Georgetown University Public Policy Institute, and James Sherk, The Heritage Foundation, both of Washington, D.C.; and Steve Wing, CVS Caremark, Woonsocket, Rhode Island.

COMMITTEE MEETINGS FOR THURSDAY, MAY 27, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nominations of Elisabeth Ann Hagen, of Virginia, to be Under Secretary for Food Safety, and Catherine E. Woteki, of the District of Columbia, to be Under Secretary for Research, Education, and Economics, both of the Department of Agriculture, and Sara Louise Faivre-Davis, of Texas, Lowell Lee Junkins, of Iowa, and Myles J. Watts, of Montana, all to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, 9:30 a.m., SR–328A.

Committee on Armed Services: closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2011, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the financial state of the airline industry and the implications of consolidation, 10 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine an original bill entitled, ''Water Resources Development Act of 2010'', focusing on legislative issues, 10 a.m., SD–406.

Committee on Finance: business meeting to consider the nomination of Sherry Glied, of New York, to be Assistant Secretary of Health and Human Services, Time to be announced, Room to be announced.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine building a secure future for multiemployer pension plans, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider S. 193, to create and extend certain temporary district court judgeships, H.R. 4506, to authorize the appointment of additional bankruptcy judges, H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program, S. 258, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, and the nominations of Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit, John A. Gibney, Jr., to be United States District Judge for the Eastern District of Virginia, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, James Kelleher Bredar, and Ellen Lipton Hollander, both to be a United States District Judge for the District of Maryland, Susan Richard Nelson, to be United States District Judge for the District of Minnesota, and Stephanie A. Finley, to be United States Attorney for the Western District of Louisiana, Laura E. Duffy, to be United States Attorney for the Southern District of California, Scott Jerome Parker, to be United States Marshal for the Eastern District of North Carolina, Darryl Keith McPherson, to be United States Marshal for the Northern District of Illinois, and Gervin Kazumi Miyamoto, to be United States Marshal for the District of Hawaii, all of the Department of Justice, and Daniel J. Becker, of Utah,

James R. Hannah, of Arkansas, Gayle A. Nachtigal, of Oregon, John B. Nalbandian, of Kentucky, Marsha J. Rabiteau, of Connecticut, and Hermán D. Vera, of California, all to be a Member of the Board of Directors of the State Justice Institute, 10 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the United/Continental Airlines merger, focusing on how consumers will fare, 2:15 p.m., SD–226.

Committee on Small Business and Entrepreneurship: to resume hearings to examine the impact of the Deepwater Horizon oil spill on small businesses, Time to be announced, SR–428A.

Full Committee, business meeting to consider the nomination of Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration, Time to be announced, Room to be announced.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, to mark up the Fiscal Year Supplemental Appropriations, 5 p.m., 2359 Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, hearing on BP-Transocean Deepwater Horizon Oil Disaster: Ongoing Response and Environmental Impacts, 10 a.m., 2359 Rayburn.

Committee on Education and Labor, Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, hearing on Examining GAO's Findings on Efforts to Improve Oversight of Low-Income and Minority Serving Institutions, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, hearing on Developments in Synthetic Genomics and Implications for Health and Energy, 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing entitled ''Combating the BP Oil Spill,'' 2 p.m., or immediately following full Committee, 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, to consider H.R. 476, Housing Fairness Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, and the Subcommittee on Western Hemisphere of the Committee on Foreign Affairs, joint hearing entitled ''U.S.-Mexico Security Cooperation: Next Steps for the Merida Initiative,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, hearing on the Legal Liability Issues Surrounding the Gulf Coast Oil Disaster, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, to continue oversight hearings entitled ''Outer Continental Shelf Oil and Gas Strategy and Implications of the Deepwater Horizon Rig Explosion,'' 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing regarding the circumstances surrounding the recall of popular children's medicines produced by Johnson & Johnson/McNeil Consumer Healthcare, 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, to mark up the following bills: 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 determination relating to overtime pay; H.R. 3264, Federal Internship Improvement Act; H.R. 5367, D.C. Courts and Public Defender Service Act of 2010; and H.R. 5368, United States Postal Service Postal Inspectors Equity Act, 3 p.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 5175, Democracy Is Strengthened by Casting Light on Spending in Elections, 3 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Technology and Innovation, hearing on Interoperability in Public Safety Communications Equipment, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the following measures: H.R. 4062, Veterans' Health and Radiation Safety Act; H.R. 4505, To enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces; H.R. 4465, To amend title 38, to direct the Secretary of Veterans Affairs to take into account each child a veteran has when determining the veteran's financial status when receiving hospital care or medical services; Draft legislation on Outreach; Draft legislation ''World War II Hearing Aid Treatment Act,'' and pending business, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing on tobacco smuggling in the United States and other excise tax compliance issues, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 27

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 4899, Emergency Supplemental Appropriations Act, with a series of up to 7 rollcall votes beginning at approximately 10 a.m., and a filing deadline for second-degree amendments at 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 27

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

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