

Black History Month has grown as a celebration of Black history and culture over many decades. At the urging of historian Carter Woodson, the second African American to receive a degree from Harvard University, the fraternity Omega Psi Phi first created Negro History and Literature Week in 1920. In 1926, Woodson changed Negro History and Literature Week to Negro History Week, and chose the second week of February for its celebration in order to honor the births of President Abraham Lincoln and Frederick Douglass, two men who had a profound influence in the fight for equality for African Americans.

Although Woodson died in 1950, his legacy continued. In the early 1970s, the Association for the Study of Negro Life and History, now called the Association for the Study of African American Life and History, changed Negro History Week to Black History Week. In 1976, they extended the week to a month-long observance.

Since its earliest origins, Black History Month has made a significant contribution to the promotion, preservation and research of Black history. When the tradition of Black History Month first began, Black history had barely been explored by mainstream academia. Although much work remains to complete our understanding of African-American culture, our understanding is vastly improved. This has contributed to both an increased sense of racial pride among African Americans and an increased appreciation of African-American culture among non-White Americans.

Madam Speaker, these and other continued improvements are essential to addressing the inequalities, which continue to affect African-Americans. For these reasons, I am extremely pleased to commemorate Black History Month and encourage my colleagues to join me in doing so as well.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes:

Mr. LANGEVIN. Mr. Chair, I rise in support of H.R. 1, the American Recovery and Reinvestment Act, which will save and create millions of jobs across our country, jumpstart our economy and transform it to meet the needs of the 21st century by making our nation more globally competitive and energy independent.

We are facing dire economic times. Every week, we are faced with new reports on job losses across our country. In my home state of Rhode Island, we have the country's second highest unemployment rate at ten percent and last December, we were ranked sixth nationally in foreclosure rates. These harsh realities have made it increasingly clear that our economy will face an even sharper downturn

if we do not act soon. With that in mind, I support taking action to rebuild our nation's economy.

H.R. 1 will appropriate \$544 billion for transportation and infrastructure upgrades and construction, health care programs, education assistance, housing assistance and energy efficiency upgrades, and includes \$275 billion in personal and business tax breaks for a total of \$819 billion to be expended over Fiscal Years 2009 and 2010. This measure helps those hit hardest by the economic downturn by extending unemployment benefits, providing job training to get people back to work quickly, increasing food stamp benefits, and extending health benefits for those who lose their job.

This measure provides \$90 billion to modernize our crumbling roads and bridges, increase transit and rail funding to reduce traffic congestion and gas consumption, and invest in clean water and other environmental restoration projects. It is estimated that Rhode Island will receive \$154 million for highways and bridges and \$39 million for the Clean Water State Revolving Fund, which will significantly raise and almost double our state's budget for these programs. These projects will immediately create jobs in my state, as projects will only receive funding if they are "ready to go" within 90 days of the enactment of this bill.

This measure also includes education initiatives that will build 21st century classrooms, labs and libraries through a new program that will modernize, renovate and repair school buildings. It is estimated that Rhode Island will receive \$48 million for Title I programs, which serve disadvantaged children, and \$48 million for IDEA Funds. H.R. 1 also provides \$15.6 billion for Pell grants, and it is estimated that Rhode Island will receive \$97.5 million in aid for 28,217 recipients for an average award for the academic year 2009-10 of \$3,456. Investing in our children's education not only has long-term benefits to our economy, but it also delivers on our nation's promise to ensure that all individuals have an equal opportunity to succeed.

I have strongly advocated for a comprehensive energy plan to lower costs, create jobs and improve our environment. H.R. 1 will not only double renewable energy production, but I am especially pleased that funding is included to build the infrastructure to transmit renewable energy to homes throughout our nation. The bill also promotes a Smart Grid Investment Program to modernize our electricity grid to meet the needs of our growing and evolving energy system. While Congress supports an efficient and modern system of power generation, the bill also provides necessary credits to individuals to make their homes more energy efficient through weatherization programs and with credits to purchase energy efficient appliances.

This measure includes individual tax relief, including the "Making work pay" tax credit, which will provide up to \$500 for an individual or \$1,000 for married couples filing jointly. Parents will also benefit from an increase in the earned income tax credit for families with three or more children and the bill allows for additional low-income families to receive the child tax credit. It will also provide a tax credit up to \$7500 for first time home buyers if they purchase a home between April 8th, 2008 and July 1st, 2009, injecting a much needed incentive into the housing market.

I also supported H.R. 1 because it includes unprecedented accountability and strong over-

sight by creating the Recovery Act Accountability and Transparency Board, which will coordinate and conduct oversight of federal spending under the bill. A website with the board's reports will be placed on a website, which will also show how funds are spent and list announcements of contract and grant competitions and awards.

Mr. Chair, it is important to understand that this funding is not a silver bullet, but that our economy will continue to decline without this immediate action. The Recovery package will begin to slow our downward economic trend and allow us to regain our footing as we begin to make much-needed long term investments to transform our economy for the 21st century. American prosperity depends on individual economic security. It is only when Americans do not have to worry about losing their job, keeping their home or paying their bills that our economy will truly flourish. I am committed to improving the economic outlook for the millions who are struggling, and I will continue working with my colleagues in Congress on this vital and urgent goal.

INTRODUCTION OF THE "MORTGAGE AND RENTAL ASSISTANCE RESTORATION ACT OF 2008"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Mrs. MALONEY. Madam Speaker, today I am re-introducing "The Mortgage and Rental Assistance Restoration Act" for the 111th Congress. I have introduced this in previous Congresses and I will keep working to pass this important piece of disaster relief policy that will protect all Americans.

My bill would reauthorize the Mortgage and Rental Assistance Act, MRA, which was discontinued by the Disaster Mitigation Act effective May 2002. The MRA provides mortgage or rental payments to people who suffer a loss of income due to a federally declared disaster such as a hurricane or terrorist attack. Without a job, most people would be unable to keep their homes due to the financial burdens of mortgages or rents. The MRA provides cover for both home owners and renters.

After the terrorist attack on September 11, 2001, individuals who required temporary housing assistance relied upon the MRA, included in the Stafford Act, for aid. Under the MRA program many were eligible for grants to repair homes to a habitable condition, or to obtain mortgage or rental payment assistance to prevent foreclosures or evictions.

The MRA program was a crucial component to help victims of the Sept. 11th attack in my home state of New York. However, in 2005, in the wake of Hurricane Katrina, the MRA was not available for mortgage or rental assistance. As a result many people who would have been eligible for mortgage or rental assistance were unable to receive it. This was unfair and detrimental to the recovery process.

The United States government has a responsibility to help communities recover from unpredictable disasters and help citizens keep from losing their homes. The MRA program helps provide stability during unstable times and that is why it must be reauthorized.

RETIREMENT EQUITY FOR U.S.
DISTRICT COURT JUDGE JOHN S.
UNPINGCO OF PITI, GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced a private relief bill to grant full annuity set forth in 28 U.S.C. 373 to the Honorable John S. Unpingco of Piti, Guam, former Judge of the United States District Court of Guam.

Prior to his confirmation on October 8, 1992, by the United States Senate as Judge of the District Court of Guam, Judge Unpingco served a combined total of 27 years as an officer in the United States Air Force, the United States Air Force Reserve, and as a federal civilian employee in the Department of the Air Force. However, despite his long and distinguished career as a public servant, upon attaining the age of 65 Judge Unpingco will not qualify for a full annuity from the Administrative Office of the United States Courts (AO), from the United States Air Force, or from the Federal Government for his civilian service. Under current law, upon attaining the age of 65, Judge Unpingco can only receive an annuity prorated to his service on the federal bench and valued at approximately 12/15th of the salary he earned at the time he stepped down from the bench.

The issue of retirement inequity is one unique to Judges appointed to serve on the bench for the District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands. Each of these Courts was established pursuant to an Act of Congress enacted in under the authority of Congress to govern territories granted by Section 3 in Article IV of the Constitution. Article IV judges are appointed for fixed-length terms pursuant to statute. Article III judges, however, their counterparts serving on the bench in District Courts in the 50 States and in the District of Columbia, are appointed for life in accordance with the Constitution.

In the 109th Congress, I wrote with my colleague from the Virgin Islands, Mrs. CHRISTENSEN, to the Judicial Conference of the United States, to request their review of draft legislation to amend 28 U.S.C. 373 to allow for the retirement of Article IV judges under terms more equal to those provided under current law for judges of Article III Courts and the United States Tax Court. The Committee on the Judicial Branch of the Judicial Conference of the United States carefully examined our legislative proposals on this issue and responded in writing on January 5, 2006, indicating that this is a matter more appropriately addressed at this time through a private relief bill. To date, Congress has confirmed the appointments of 16 Judges to the Article IV Courts for the Districts of Guam, the Northern Mariana Islands, and the Virgin Islands. Length of terms has varied over time and across the three courts. There are unique circumstances surrounding Judge Unpingco's executive and judicial service. He separated from the civil service to fulfill a judicial responsibility on behalf of his country, and served on the federal bench in good faith.

It is at the suggestion of the Committee on the Judicial Branch of the Judicial Conference

of the United States and in accordance with precedent that I have introduced this private relief bill. I do so in the hopes that a distinguished public servant will collect the full and fair annuity that he selflessly worked toward over the course of his 27 year career in public service. While I intend to introduce legislation at a later time to establish the District Court of Guam as an Article III Court, I remain concerned about current inequity in the law affecting Article IV Judges. Thirty-seven private bills have been enacted into law by the previous five Congresses. Congress has previously considered private relief bills pertaining to annuities payable to federal Judges, including for example for a Judge in a territory of the United States. The most recent example being S. 115 for the relief of Judge Louis LeBaron, who was a Justice of the Territorial Supreme Court of Hawaii and which was introduced in the 1st Session of the 99th Congress on January 3, 1985.

I look forward to working with the Chairman and Ranking Member of the Committee on the Judiciary to address the underlying inequity in retirement benefits for Article IV Judges and in this particular case to bring relief to Judge Unpingco through the enactment of the bill I have introduced today. I hereby enter for print in the CONGRESSIONAL RECORD to accompany the introduction of this bill and to supplement these remarks, the correspondence I exchanged with the Administrative Office of the United States Courts (AO) and the Judicial Conference of the United States and its enclosures on this matter.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2005.

MR. LEONIDAS RALPH MECHAM,
Director, The Administrative Office of the U.S.
Courts, One Columbus Circle, NE, One Columbus Circle, NE, Washington, DC.

DEAR DIRECTOR MECHAM: We write to you in your capacity as Secretary to the Judicial Conference of the United States, to request the Judicial Conference's support for amending Section 373, of Chapter 17, in Part I, of Title 28 of the United States Code, to allow for the retirement of Article IV judges of the District Court of Guam, the District Court of the Northern Mariana Islands, and the District Court of the Virgin Islands, under terms more equal to those provided under current law for judges of Article III courts and judges of the United States Tax Court. Specifically, we request the Judicial Conference's support for the repeal of the age restriction and the revision of the service requirement in Section 373 to allow for retirement should a judge of an Article IV Court not be reappointed.

As you know, the U.S. District Courts in the 50 States and Puerto Rico were created under Article III of the United States Constitution. The District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands were created by Congress under authority to govern territories granted by Section 3 in Article IV of the United States Constitution. Article III judges are appointed for life in accordance with the United States Constitution whereas Article IV judges are appointed for a term of ten years pursuant to statute. The difference in terms of appointment is significant as it pertains to retirement eligibility.

Since Article III judges serving life-time terms may only be removed for cause, there are few circumstances by which fulfillment of resignation and retirement requirements is not realized. However, Article IV judges do not enjoy the same advantage. Under current

law, an Article IV judge is first eligible for retirement at age 65 provided he has accrued 15 years of judicial service. If upon expiration of his term, an Article IV judge is not reappointed, he is eligible to receive a proportional annuity upon reaching age 65 provided he has at least ten years of judicial service.

It is understood that Article III judges are appointed for life-time terms because the framers of the Constitution recognized that an effective and independent judiciary could only be realized if judges were free from political interference in their decision-making. We are seeking changes to the retirement provisions for Article IV judges to provide consistency with the principles espoused by the framers. Article IV judges should not have to face the possibility of having to seek employment at the expiration of their term. Having to do so raises possible conflict of interest and judicial independence concerns our founding fathers sought to prevent from occurring.

We are proposing that Article IV judges be afforded a similar option to retire as judges in the U.S. Tax Court, who also do not receive life-time appointments, but are eligible to retire at the expiration of their term regardless of age. Under Section 7447(b)(3) of Title 26 of the United States Code, judges of the United States Tax Court who are not reappointed can retire upon completion of their term provided they have notified the President of their willingness to accept reappointment within a specified period of time. We are proposing similar consideration for Article IV judges. Specifically, that an Article IV judge, who is not reappointed, would be allowed to retire after the expiration of their term. An Article IV judge retiring under this provision would receive an annuity equal to 50% of the judge's salary at the time of retirement. Then, upon reaching the age of 65, the retired judge would be eligible to receive the annuity amount authorized under current law (28 U.S.C. 373(e)).

Alternatively, we propose that an Article IV judge, who has at least ten years of judicial service, but is not reappointed, and who has not reached the age of 65, be eligible to retire at the expiration of his term provided he has a combined total of 15 years of Federal service, including a minimum of 10 years of judicial service, which may include military and civil service.

Enclosed, for your review, is draft legislative language for each of these proposals. Amending the retirement provisions would ensure the judicial independence of Article IV judges and provide for their freedom from political interference. In addition, it would place the Article IV judges of the U.S. District Courts of Guam, the Mariana Islands and the Virgin Islands on more equal terms with their colleagues serving in other U.S. Courts. Thank you for your consideration of this request. We look forward to working with you to address this matter in the 109th Congress and would appreciate your review of and comment on the enclosed legislative proposals.

Sincerely,
MADELEINE Z. BORDALLO,
Member of Congress.
DONNA M. CHRISTENSEN,
Member of Congress.

AMENDMENT No. 1 to 28 U.S.C. 373(e) OFFERED
BY MS. BORDALLO

Section 373(e) of title 28, United States Code, is amended—

- (1) by inserting “(1)” after “(e)”;
- (2) by striking: “, or who is not reappointed (as judge of such court),” and
- (3) by adding at the end the following:

“(2) Any judge of the District Court of Guam, the District Court of the Northern