United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, APRIL 28, 2009 No. 63

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPPS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 28, 2009.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

TRIBUTE TO FIRST LADY LAURA LANE WELCH BUSH

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Madam Speaker, Michelle Obama is enjoying immense popularity throughout America. She has been described as a ''breath of fresh air'' and the ''First Lady we have been waiting for.''

A Democrat constituent spoke to me several days ago expressing approval of the First Lady's high marks, but she furthermore expressed concern that we do not forget Mrs. Obama's immediate predecessor, Mrs. Laura Bush. I am in agreement with my constituent in that I am pleased for Mrs. Obama, but I don't want her high marks to diminish the high marks Laura Bush recorded.

Madam Speaker, there is no blueprint for successfully filling the office of First Lady. Members of Congress have elections and constituents to provide constructive criticism along the way. The First Lady has no such benefit, and as a result, she must master the art of on-the-job training with the world's microscope on her every move.

Mrs. Laura Bush perfected this art as well as any other First Lady in our history. Not only is her list of accomplishments long and meaningful, but they were achieved with little fanfare during a tumultuous period in our history.

She is responsible, Madam Speaker, for spearheading the effort to bring the National Book Festival to the National Mall. She led the charge to bolster Teach for America, which helped increase the number of teachers being produced by this program every year. All of these teachers will teach in impoverished urban and rural schools. She helped stave an impending crisis in our libraries, which were facing a 40 percent rate of attrition. Furthermore, much of her time overseas was spent sharing information on HIV/AIDS and malaria awareness and the needs of women.

Madam Speaker, Mrs. Bush has sought no praise or public attention. This is exactly why her accomplishments should be recognized—and perhaps even memorialized to some extent so that future First Ladies can learn from her legacy.

When Mrs. Bush was asked whether she would assume a role by a previous First Lady, she replied that she would define her role as First Lady for herself.

Mrs. Bush's demeanor portrays her as quiet and unassuming. Oftentimes, Madam Speaker, people—male and female—who maintain quiet, unassuming roles are not seriously embraced. Oftentimes, they are cut adrift or cast aside; not true with Laura Bush.

We wish Mrs. Obama well as she commences her role as our First Lady, while at the same time I want us to favorably recall the 8 years Laura Bush served as our First Lady.

BUDGET—OUR LONG-TERM ECONOMIC PLAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Madam Speaker, we are working to pass this week in both the Senate and the House a budget resolution. It is a long-term economic plan that we are working together with the administration that will mark President Obama's 100th day in service.

The fallout from the failed policies over the last 8 years has made this job even tougher. Let's talk about what has happened over the last 8 years and what exactly President Obama inherited.

A record time during the last 8 years, President Bush—and the Republicans with that—built on a deficit of $5.8 trillion. When President Obama came into this office, a $5.8 trillion deficit; when President Bush came in, he had a $5.6 trillion surplus when you looked at it over this time period.

The national debt doubled, and the amount held by foreign countries of ownership in this country has more than tripled. The smallest rate of job growth in three-quarters of a century. There have been flat wages. And more Americans are living in poverty without health care insurance.

But this isn't anything new to the American people. We have experienced this. We have seen it firsthand. And the

Printed on recycled paper.

American people spoke back in November with an election and said that they wanted a new direction and change.

Our long-term economic plan takes steps to reduce health care costs, one of the largest contributors to the deficit, and a growing burden on our businesses' ability to compete and families' prosperity.

Our long-term economic plan is something that the American people have been calling for, a true look at transparency, looking at the impacts of the cost of the war in both Iraq and in Afghanistan.

We have to consider in this long-term budget looking at the targeted investments that must be made that will ultimately end in savings; investments in health care, investments in energy, investments in education, and real concrete proposals that will pay for these investments.

This plan marks the beginning of a new era of honesty. I, as a Member, had an opportunity to go before the Budget Committee and to share what my priorities were, as every Member of Congress had an opportunity to do. This is a new era of honesty, budgeting accuracy, and openly representing costs like the war, as I previously mentioned. Previous Republican budgets masked these costs to make the deficit appear to be smaller.

Our economic plan contains key integrity initiatives to protect the taxpayers' money by rooting out waste, fraud and abuse, and saving taxpayers nearly $50 billion.

The American people called for a change, a new direction back in November. That is exactly what this Congress is delivering.

TAX TEA PARTY DECLARATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today in support of the thousands of people in the Sixth Congressional District of Florida who stood together and told this administration and this Congress to turn off the taxpayer-funded spigot of government bailouts.

These hardworking Americans made their point loud and clear; they do not want to see our Nation bankrupt from a fiscal policy that ignores the free market principles this country was founded upon and attempts to spend its way out of record-breaking debt through increased government control and expansion of inefficient bureaucratic power.

Let me go ahead and read an excerpt from their 4-page declaration that over 1,800 people from my hometown, Ocala, signed on April 15, tax day.

''We raise our voices against the arrogance and the ruinous policies of our government, a government that ignores We the People, a government that drowns us in debt, a government that forsakes the free enterprise system that has driven the engine of the greatest economy on Earth in favor of a relentless march towards socialism designed to subvert the worth of the individual and encourage the intrusion of government into all aspects of our lives.''

Madam Speaker, I will submit the entire ''Tax Tea Party Declaration'' for the RECORD. And also, I have a petition signed by over 2,000 people in Ocala, Florida, demonstrating their commitment to ending this bad economic policy.

Like those who attended rallies in Starke, Trenton, Gainesville, and Orange Park, I have not and will not support bailout after bailout as sound economic policy. It is unconscionable for this administration and this Congress to continue committing good money after bad.

In October of 2008, the U.S. Government committed an astounding $700 billion in public funds to failing private financial institutions through the Troubled Asset Relief Program, TARP. However, just last week, the TARP Special Inspector General reported that the total cost of TARP will cost the American taxpayer between $2.4 trillion and $2.9 trillion.

It is evident that we can no longer allow government bureaucrats such as Timothy Geithner and Henry Paulson to use their position and the taxpayer-funded Federal Reserve to act as a safety net for their partners on Wall Street when they fail due to incompetence and unchecked greed.

I am a strong believer in free markets. And inherent in that economic model is that not every person or idea makes money. It is time for Wall Street to understand this unmistakable tenet and not rely on the Federal Reserve and the American taxpayer to continue to save them when their gambles accumulate into significant losses.

Anna Schwartz, co-author along with Milton Friedman of ''A Monetary History of the United States,'' viewed by many as the definitive account of how U.S. monetary policy turned the stock market crash of 1929 into the Great Depression and which Ben Bernanke, the Chairman of the Federal Reserve, has called the ''leading and most persuasive explanation of the worst economic disaster in American history,'' contends that the Treasury, through its actions, has prolonged this crisis. Let me quote here on this board:

''They should not be recapitalizing firms that should be shut down. Rather, firms that made wrong decisions should fail. You shouldn't rescue them. And once that is established as a principle, I think the market recognizes that it makes sense.''

As true capitalists, these titans of Wall Street should understand the risks and rewards of a free market economy and be allowed to fail like the rest of Main Street when they make foolish or risky decisions.

Many economists look to the past to predict economic futures; it is a tested way to learn from past mistakes and avoid making them in the future. Looking to the past, we discover that Henry Morganthau, FDR's Treasury Secretary, gave this very important quote in May of 1939 during the Great Depression. He said, ''We have tried spending money. We are spending more than we have ever spent before and it does not work. I have just one interest, and now if I am wrong, somebody else can have my job. I want to see this country prosper. I want to see people get a job. I want to see people get enough to eat. We have never made good on our promises. I say, after 8 years of this administration, we have just as much unemployment as when we started, and enormous debt to boot.''

This current economic policy of bailout after bailout and colossal government spending is just plain wrong, Madam Speaker, and the American people know it.

When, in the course of human events, it becomes necessary for like-minded patriotic citizens to rally as one against the powers that threaten to alter, diminish and destroy this country we love, proper respect for the opinions of our fellow citizens requires that we should clearly state the grievances that impel us to gather at this Ocala tea party to protest peacefully, but passionately in the tradition of our forefathers whose Boston Tea party resonated around the world.

The history of the present government of these United States is a history of repeated injuries and usurpations, all having the effect of establishing an unacceptable tyranny over the citizens of these states. Let the facts be self-evident and speak for themselves . . . and let these grievances be heard in the halls of power in 2009, just as they were heard in the palace of Britain's King George the third, as they thundered forth from the text of the Declaration of Independence on July 4th, 1776.

Be it resolved on this 15th day of April, in the year 2009, at the Great Ocala Tea Party in the Town Square in Ocala, Florida, that just as our forefathers at the Boston Tea Party protested tyranny at the hands of the British Crown and taxation without representation, we hereby raise our voices against the arrogance and the ruinous policies of our own government . . . a government that ignores the will of ''We The People'' . . . a government that drowns us in debt . . . a government that forsakes the free enterprise system that has driven the engine of the greatest economy on earth, in favor of a relentless march toward socialism designed to subvert the worth of the individual and encourage the intrusion of government into all aspects of our lives.

Let the word go forth from this time and place that we are freedom loving Americans who cherish individual liberty, our constitution and all that this nation has stood for over 233 years. We love our country, and we are here to take it back!

Let us hereby resolve that we have had enough of massive government driven bailouts using our money! Stop spending money we do not have! This is not your money, this is our money, and we demand you stop the madness!

We have had enough of so-called economic stimulus plans that falsely promise we can spend ourselves back to prosperity!

We have had enough of trillion-dollar spending schemes being passed without congress or the people knowing what is in them. This is taxation without deliberation and we will not tolerate it!

We have had enough of the out of control government spending that is mortgaging our future and threatening our very way of life!

We have had enough of both major parties being arrogant and unresponsive to the people they were elected to serve!

We have had enough of seeing money taken unfairly from honest hard working Americans through excessive taxation and redistributed to individuals who have not earned the money!

We have enough of capitalism being targeted as the problem instead of the solution!

We have had enough of government being called the solution, when government is the problem!

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions to our elected officials have been answered only by repeated injury, if, in fact, they have been answered at all. A government so arrogant and unresponsive to its people is unfit to be the ruler of a free people.

We, therefore, the people of the United States of America, in general congress assembled, here in the Town Square of Ocala, Florida, on this 15th day of April, in the year 2009, do, in the name and by the authority of the good people of this city and nation, solemnly publish and declare that we are a free people, in this free and independent state, and that we have the power to demand that our government cease serving its own interest, and whatever political and ideological agendas it may be pursuing, and become the Government Of The People, By The People, and For the People to which we are entitled as Americans. And that for the support of this Declaration, with a firm reliance on divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

RECESS

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

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

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

As Your people and as a Nation, we hear Your summons: ''Sing a new song to the Lord.''

Our song, Lord, is the song of freedom. As our ransom, You have set us free. As Your children, we chose to resemble You in all our choices and decisions.

Throughout our history, some others have been shocked by the rhythm of our song; others have been inspired to find their own voice and enter the song.

But the song of true freedom is planted within us by You, O Lord. Your spirit finds expression and touches others around the world because Your song of freedom comes from our hearts. So all honor, power and glory go to You, Lord, 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 Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ 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.

WHY THE BUDGET IS IMPORTANT FOR HEALTH CARE

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

Ms. SCHWARTZ. Mr. Speaker, as we mark President Obama's first 100 days in office this week, the House will vote on the President's budget which sets a new vision of hope and responsibility for America.

As vice chair of the Budget Committee, I know that this budget is fiscally responsible and it sets forth a path to meet our Nation's greatest challenges. With more than 47 million Americans uninsured, this budget includes critical language ensuring that Congress will act this year to expand access to care and to reduce costs.

Soaring health care costs are impeding our economic competitiveness, straining the Federal budget and causing families all across this country to make difficult choices about their health and well-being. This budget sets the context for this important work that Congress will do to find a uniquely American solution to health care access and costs, one that includes innovation and technology, incentives for an effective delivery system, a renewed commitment to prevention, and consumer protections in the private-public marketplace.

We cannot sustain the status quo, nor should we. Now is the time to finally get health care to all Americans. We should pass the budget resolution and begin the task ahead.

A BUDGET OUR CHILDREN WILL LIVE TO REGRET

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

Mr. KIRK. Mr. Speaker, this Congress has voted for unprecedented debt, and a look at Treasury's borrowings shows a stark picture. On Monday, we borrowed $98 billion. Tomorrow, we will borrow another $61 billion. On average, Congress is forcing the Treasury to borrow $157 billion a week.

Over the first 100 days, our debt has increased by more than $5.5 billion per day. China has cut its lending to the United States by 95 percent, effectively canceling this Congress' credit card.

Let me finish with a couple of personal facts.

With only 111 million Federal taxpayers, the rate of spending by this Congress in the first 100 days has shown the congressional leaders put each taxpayer into debt at a rate of $1,400 per week, $3,200 per quarter, and over $9,000 each just for the first 6 months of this Congress. That's quite a record, a world record, and one our children will live to regret.

HONORING ROBERT DANA

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

Mr. LOEBSACK. Mr. Speaker, today I would like to honor a man who has affected the lives of countless Iowans, Mr. Robert Dana. His life and work are shining examples of Iowa's long tradition of excellence in literature.

For 40 years, Mr. Dana taught at Cornell College where I was honored to teach and now represent as part of Iowa's Second District. While there, he had a tremendous impact on students, developing young writers' minds and pushing them to new heights.

After leaving Cornell, he continued to inspire Iowans serving two terms as our State's Poet Laureate. Mr. Dana has used his signature poems to give an everlasting voice to official Iowa events. With his poetry, R.P. has captured the feeling Iowans have for their towns and land.

Thank you, R.P., my former colleague, for your contribution to Cornell College, to Iowa, and to American literature.

EXPRESSING CONDOLENCES TO NORTH CAROLINA SHOOTING VICTIMS

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

Mr. COBLE. Mr. Speaker, eight people died 1 month ago when a gunman opened fire at the Pine Lake Health and Rehabilitation Center in Carthage, North Carolina. On that dreadful day, the staff and residents at Pine Lake Center responded very effectively and professionally. Equally professional and effective were the law enforcement community and the citizens of Carthage and Moore County.

This cruel and unforgivable act imposed upon Pine Lake that day did not succeed in defeating the spirit of the

Pine Lake facility, Carthage and Moore County.

Mr. Speaker, we extend our condolences to the survivors of the eight whose lives were so brutally taken on that ill-fated day.

HAWAII AND AMERICAN CLEAN ENERGY ACT

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

Ms. HIRONO. Mr. Speaker, this Congress is committed to energy self-sufficiency as a matter of national security. Hawaii's situation is especially acute as Hawaii is the most oil dependent State in the country and has the highest fuel and electricity costs nationwide. Thus, Hawaii is particularly aware of the need to change the status quo and focus on achieving a clean energy economy.

Recently enacted legislation has given consumers and businesses in Hawaii and across the country incentives to invest in clean and renewable technologies, and more will be accomplished through the American Clean Energy and Security Act on which we are working.

Our actions result in real decisions by real businesses. For example, because we extended the solar tax credits, a solar panel company and a local business in Hawaii got together to install photovoltaic panels on the roof of the business, which now generates 95 percent of its electricity from these panels.

Our work on the American Clean Energy and Security Act will help States like Hawaii reach our energy goals.

HOMELAND SECURITY PARANOIA

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

Mr. POE of Texas. Mr. Speaker, according to a recently released secret memo by Homeland Security, America now faces new serious threats. I am not referring to al Qaeda, the Somali pirates, or radical Islamic terrorists. The memo states we are in danger from people who are concerned about our porous borders, gun owners, returning military veterans, the recent tax protestors at the TEA parties, and those who want to protect the unborn.

Mr. Speaker, these Americans simply disagree with the administration on certain issues. But by disagreeing, they are now labeled and vilified by Homeland Security as extremists and threats to America. So because of Homeland Security paranoia, is the cloak and dagger agency going to watch these people and spy on them under the guise of national security? We shall see.

This is a dangerous policy and attack on individual liberty and a denial of free speech. Homeland Security should do their real job like finding radical Islamic terrorists who want to kill us in the name of religion rather than making a watch list and snooping around in the private lives of patriots who are just exercising their absolute right to disagree.

And that's just the way it is.

A HUGE BET THAT IS WORTH MAKING

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

Mr. YARMUTH. Mr. Speaker, this week more than 100,000 people will gather at Churchill Downs in my district for the 135th running of the Kentucky Derby. They will be placing big bets. And this week, this Democratic Congress is going to be placing a big bet, too.

We're going to pass a budget resolution that makes a huge bet on America and the American people. By investing in targeted ways and developing a health care system that provides affordable, quality health care for every American, by creating a new energy system and a new energy direction in this country, and investing in higher education so that every American has the tools necessary to bring us into the 21st century, we will be making a huge bet that the American people can grow us out of the huge hole that we're in now.

I am proud that we're willing to make that bet, and I urge all of my colleagues to join us in betting on the American people.

DON'T PLAY POLITICS WITH NATIONAL SECURITY

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

Mr. FLEMING. Mr. Speaker, it has been almost 8 years since the tragedy of 9/11, and America has not experienced another catastrophic terrorist attack on our home soil, not due to blind luck but due to hard work. Homeland Security during this period thwarted attacks through enhanced interrogation of suspected terrorists. This is a fact. For this, we should thank them, not mire them in millions of legal fees.

But in recent days, more sympathy has been shown to current and potential attackers than to the men and women hired to prevent their deadly acts from coming to fruition. Memos detailing American interrogation methods were selectively released by the administration for political reasons, when other memos showing their life-saving results have not.

Most Americans believe releasing this important information has endangered many innocent Americans in the future and subjects us to future terrorist attacks. Shouldn't we remember it was the self-paralysis of our intelligence systems that led to 9/11 in the first place? Why should we go back?

FUNDING TO CDC FOR POSSIBLE FLU PANDEMIC

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

Ms. SPEIER. Mr. Speaker, we are still learning the details of the new influenza outbreak threatening our country. I want to take a moment to praise our colleague, Chairman OBEY, who tried to make sure that the Centers for Disease Control were prepared for a possible pandemic by providing funding in the stimulus package for flu vaccines and preparation.

Unfortunately, the politics of ''no'' trumped common sense when, in order to get three Republican votes, the Senate removed $462 million for the Centers for Disease Control and $900 million for pandemic flu preparations.

Mr. Speaker, the choices we make here in Congress are more than just cable news sound bites. Our choices have consequences. Let me remind my colleagues that the 1918 flu epidemic killed more people than all of World War I. We must reconsider and revisit the funding issue for pandemic flu preparation. It could mean the difference between life and death.

NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT

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

Mr. REHBERG. Congress is moving forward on the Northern Rockies Ecosystem Protection Act. Montanans have a long and proud heritage as good stewards of our land. Working together, folks in Montana have found solutions that work for everyone—without top-down meddling from Washington, D.C. Unfortunately, this bill throws that consensus approach out the window.

Take a look at the cosponsors. The vast majority of them are from districts east of the Mississippi, and 17 cosponsors are from California; none from the districts actually impacted by the legislation such as Idaho, Wyoming, Eastern Oregon, Eastern Washington, and, of course, Montana. That is right. None.

Montanans don't tell folks from New York or San Francisco how high to build their skyscrapers or how many lanes their freeways need. We let you deal with your problems, and we respectfully ask that when it comes to the Northern Rockies, you take into consideration the opinions of those of us who live there.

NORTH KOREA FREEDOM WEEK

(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 honor and raise awareness of the 2009 North Korean Freedom Week.

Currently, approximately 13 million people in North Korea suffer from malnutrition, and over 2 million North Koreans have died of starvation since 1995. In addition, over 200,000 men, women, and children are imprisoned in political prison camps in North Korea.

North Korea is controlled by a dictatorial regime where human rights and personal freedoms are nonexistent. The region suffers from an extremely weak economy and is dependent on the international community even for its food. Unfortunately, about 30 percent of all the international aid that is provided to North Korea goes to the country's military and its elite, and very little of that ever gets to the real people of North Korea.

Under the current regime, universal human rights do not apply to the people of North Korea, and freedom remains a foreign idea for the men and the women of this repressive country.

I call on my colleagues in Congress and the Obama administration to take action to improve the deteriorating human rights crisis in North Korea.

□ 1215

ENERGY

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

Ms. MARKEY of Colorado. Mr. Speaker, I rise today because we are at a crossroads in the way we power America. Breaking our dependence on foreign oil will not only create new domestic jobs, but it will ensure our economic recovery is sustained for future generations.

The American Solar Energy Society recently released a report that stated in 2007, the renewable energy and energy-efficiency sectors created 9 million jobs in the United States and over $1 trillion in revenues. In my home State of Colorado alone, the energy-efficiency field added 81,000 jobs in 2007, and we all know it is cheaper to use less energy than to make it.

Innovation and entrepreneurship have always been the backbone of the American spirit. As I travel to the eastern plains of Colorado, the landowners often tell me they are ready to install wind turbines on their property as an economic development tool. However, we must update our fragmented transmission system to transmit these vast resources.

By becoming a leader in renewable energy and energy-efficiency technologies, we can invest in our future and put Americans back to work.

MYTH: AMERICANS DON'T WANT BROAD HEALTH REFORM

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

Mr. MURPHY of Connecticut. Mr. Speaker, another health care myth. It is amazing that opponents of comprehensive health care reform still make the argument that Americans don't want it, but they do, and it is time to debunk it. According to an April 2009 Kaiser Family Foundation Health Tracking Poll, just from this month, 59 percent of Americans say that it is more important now than ever to pass health care reform, 59 percent. And it is easy to understand why. Because of costs, 42 percent of Americans reported that they didn't see a doctor in the past year; 36 percent skipped dental care; 27 percent skipped a recommended medical test or treatment; and 18 percent of Americans reported that they cut their pills in half because they couldn't afford it.

This isn't time for small ideas. This isn't time to just protect the status quo. Americans demand comprehensive health care reform, and it is time that this Congress gives it to them this year.

BORDER VIOLENCE

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, just across the border, heavily armed militias fueled by drug trafficking cartels are at war with the Mexican Government. Although the worst of the violence has been contained south of the border, its impact is being felt throughout the region.

These trafficking organizations are powerful, but we are fighting back. Recently, the Flagstaff Police Department busted a major drug ring that supplied a quarter of the methamphetamine in the area. I congratulate the Flagstaff Police Department on their successful bust, which helps keep drugs out of our community and is a blow against drug trafficking organizations on both sides of the border.

CREDIT CARDHOLDERS' BILL OF RIGHTS

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

Mr. KAGEN. Mr. Speaker, in these difficult economic times, we, as leaders, must ask ourselves the question, whose side are we on? Are we on the side of people—the consumers, the taxpayers, and hardworking families across the Nation? Well, I certainly am.

Today, I rise in favor of the Credit Cardholders' Bill of Rights. For too long, hardworking Americans have been victimized by high fees, high interest rates, and confusing credit card agreements that these companies can change at will.

The Credit Cardholders' Bill of Rights protects everyone from the unfair and often abusive practices that credit card companies put on everybody. It prevents credit card companies from unfairly increasing interest rates on existing balances.

The Credit Cardholders' Bill of Rights will protect everyone. It ends unfair penalties for cardholders who pay on time, and it protects vulnerable consumers from high fees due to subprime credit cards. In short, it prevents these companies from constantly moving the goalposts and taking advantage of ordinary people who have done nothing wrong.

Let's pass the Credit Cardholders' Bill of Rights and build a better Nation for everyone.

ENERGY

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

Mr. ELLISON. Mr. Speaker, I rise today in support of a progressive vision for America's energy future and the opportunity to create millions of American jobs for our working families.

President Obama and this Congress are taking on our Nation's energy crisis with a plan to create green jobs and build a clean energy economy; a plan that creates 300,000 new jobs by implementing a Renewable Electricity Standard, and another 222,000 new jobs with its high efficiency savings provisions.

Mr. Speaker, we have a choice to make in this Congress; we can choose to create millions of new American jobs that cannot be shipped overseas, reduce our dependence on oil from overseas, increase production of cleaner renewable energy sources, crack down on polluters who damage our air and our water quality, and give American entrepreneurs and innovators the tools they need to stay combative in the global economy, or we can do something else.

America can become a world leader in the new clean energy economy, or we can continue the failed policies of the last 8 years.

MAKING IN ORDER CONSIDERATION OF H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, April 29, at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 627, and that consideration of the bill proceed according to the following order: The first reading of the bill is dispensed with; all points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI; general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the Chair and ranking member of the Committee on Financial Services; after general debate, the Committee of the Whole shall rise without motion; and, no further consideration of H.R. 627

shall be in order except pursuant to a subsequent order of the House.

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

There was no objection.

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.

EXPRESSING SYMPATHY FOR SHOOTING VICTIMS IN BINGHAMTON, NEW YORK

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 340), expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 340

Whereas on Friday April 3, 2009, the Nation experienced an appalling misfortune when a gunman entered the American Civic Association in Binghamton, New York, and murdered 13 and wounded 4 innocent people;

Whereas the shooting resulted in the tragic loss of Lan Ho, Parveen Nln Ali, Li Guo, Dolores Yigal, Hong Xiu Mao, Marc Henry Bernard, Maria Sonia Bernard, Maria Zobniw, Jiang Ling, Hai Hong Zhong, Roberta King, Layla Khalil, and Almir O. Alves;

Whereas the attacker wounded Long Huyng, Shirley DeLucia, Sumi Lee, and Liqiao Chen;

Whereas this act of violence created numerous secondary victims, including over 40 people who were in the building at the time, as well as friends and family of the deceased who are struggling to cope with the impact of this tragic act;

Whereas many of the victims of this assault were residents of Binghamton, New York, in Broome County, New York, a close-knit, diverse community with a long history of welcoming people from all backgrounds, nationalities, and religions, as well as immigrants and visitors from abroad;

Whereas the American Civic Association in Binghamton, New York, has proudly served the community since 1935, assisting immigrants and refugees with counseling, resettlement, citizenship, family reunification, language skills, and other critical services that have played a vital role in the effort to secure the dreams of immigrants seeking legal citizenship;

Whereas the law enforcement agencies led by the City of Binghamton Police Department, with support from the Broome County Sheriff's Department, the New York State Police, and neighboring municipalities responded quickly, professionally, and heroically to the crime scene;

Whereas swift action by emergency medical responders addressed the needs of the wounded and quickly transported them to hospitals;

Whereas the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Immigration and Customs Enforcement, and others provided swift and invaluable cooperation and resources to assist local efforts and provide additional services to help the community cope with this tragedy;

Whereas the United States State Department quickly offered, and is now providing, assistance with processing visas to expedite the travel of victims' family; and

Whereas, although the effects of this shooting will be felt for years to come, the Binghamton community will overcome this tragedy and re-emerge stronger than before and with renewed sense of unity, cooperation, and understanding: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt condolences to the families and friends of the victims of the April 3, 2009, shooting in Binghamton, New York;

(2) conveys its gratitude to the city, county, State, and Federal officials and agencies whose quick and comprehensive response helped save lives and start the long healing process; and

(3) honors the American Civic Association for the services it provides to assist people from across the world who seek the American dream.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, with House Resolution 340, this Chamber expresses its profound sympathy to the victims of the tragic attack at the American Civic Association in Binghamton, New York, on April 3. Our thoughts continue to be with the families, friends, and the people of Binghamton, and they remain in our prayers. Thirteen men and women were murdered in this attack and four were wounded, shaking the community and the entire Nation.

House Resolution 340 was introduced by our friend and colleague, Representative HINCHEY of New York, and is cosponsored by over 50 Members of Congress.

Given the tragic events on which House Resolution 340 is based, the Committee on Oversight and Government Reform moved quickly to consider a report on the bill, which brings us to today's consideration of the resolution.

Mr. Speaker, we thank the American Civic Association for its continued service over the years as it has helped immigrants and refugees with counseling, resettlement, citizenship, family reunification, language skills, and other critical services, playing a vital role in the effort to secure the dreams of immigrants seeking U.S. citizenship. We want them to know that they have our prayers and our heartfelt sympathies during this difficult time.

I would also like to commend the City of Binghamton Police Department, the Broome County Sheriff's Department and the New York State Police for their swift response to this attack. In addition, we thank the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Immigration and Customs Enforcement Office, and other Federal agencies for their assistance.

We were all deeply saddened to hear of this attack, and it is difficult for us to comprehend such an act of violence. We will feel its effect for years, but we can be sure that in time Binghamton will heal, emerging from this tragedy stronger and more united than ever before.

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

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

Mr. Speaker, I rise today to urge the passage of this resolution expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York.

For immigrants in the Binghamton area, the American Civic Association, located on Front Street, is a representation of their ongoing pursuit of the American dream as newcomers from around the world learn English and the skills necessary to obtain United States citizenship. But on April 3, the American Civic Association—a welcoming place serving 60 to 100 people per day—became a killing zone. On that dreadful day, a deranged man, whose own dream of immigrating from Vietnam to America had now come to nothing but despair and senseless turmoil, ended the dreams of one aspiring citizen after another by opening fire on unsuspecting employees, volunteers, and hopeful immigrants, resulting in the loss of 14 lives, including the shooter, and four wounded people.

As we remember the victims, we also commend the efforts of the first responders—local police, fire, emergency medical crews, city and county officials, and the community as a whole—for their rapid and cohesive response to this unfortunate tragedy. In addition, we commend the United States Department of State for quickly offering assistance with processing visas to expedite the travel of the victims' families so they could arrange for the burial of their loved ones.

The memory of this senseless event will not soon be forgotten. However, the strength and determination of the Binghamton community as well as the citizens of New York will help the healing process.

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

Mr. LYNCH. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my good friend for yielding.

Over the past several weeks, many of you have seen the images and read the news about the tragic shooting in Binghamton, New York, on April 3, 2009. Thirteen innocent people lost their lives at the American Civic Association building due to senseless violence.

While I don't represent the City of Binghamton, I represent the suburbs in the area around Binghamton and know many people that work and live in the Binghamton area. I want to take this time to again offer my deepest condolences to the families and friends of those who lost their lives on that day and offer my sincerest gratitude to the local officials and first responders on the ground whose immediate action then prevented further loss of life. And their continued leadership now has allowed for the Binghamton community to start the healing process.

I want to especially mention the Broome County Executive, Barbara Fiala; Binghamton Mayor, Matt Ryan; Binghamton Police Chief, Joe Zikuski; and Broome County Emergency Services Director, Brett Chelis, who led the team of hundreds of first responders consisting of police, fire, rescue and medical staff. To the staff at the local hospitals that cared for the victims of this tragedy and worked tirelessly to save lives, I sincerely say thank you.

I want to say how thankful I am—and I know that so many in the Binghamton community are—to my colleague, Congressman MAURICE HINCHEY. Congressman HINCHEY answered the call at the first sign of trouble and was in his district working with his people to make sure all that could be done was being done throughout the crisis.

I again give my continued full support to all those involved, and ask that we learn from such a tragedy and do all that we can to ensure that an incident like that never happens again.

□ 1230

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

Mr. LYNCH. Mr. Speaker, I want to say in closing for myself that this is an experience that no Member of Congress wishes to face. However, at the same time, I must confess admiration not only for the law enforcement authorities and the medical staff and families who have been affected in this case but also, and I think especially from our standpoint here in the House, the way in which Representative MAURICE HINCHEY, faced with this disaster, this terrible tragedy in his district, flew back to his district, rolled up his sleeves, opened his heart to the people that he cares about and represents here in Congress every day, and began the very difficult work of helping his community in Binghamton heal from these wounds.

And I just want to say there are occasions that are forced upon us unwillingly that really show, I think, in a greater depth and a more meaningful extent the true content of our character, and seeing the way the community in Binghamton came together in this tragedy to comfort those who were victimized and to bring some peace to those families, the way the law enforcement community and the nurses and docs in taking care of those families came together, and seeing how Mr. HINCHEY sprang to action and addressed the tragedy himself was a shining example, I think, of the strength of the United States and of our core communities. And I just think that if there is any silver lining that one can gain from this tragedy, it is just that: The way this community has responded to a senseless, senseless tragedy and the way they have provided comfort to people in their own communities is truly admirable.

I think, as Members of Congress here on both sides of the aisle have acknowledged here, the way that MAURICE HINCHEY had weighed into the process was truly, I think, exemplary for all of us, unwanted admittedly but certainly extremely admirable under the circumstances. And we will pay special attention to this tragedy going forward.

At this point, Mr. Speaker, I would like to yield 5 minutes to the gentleman from New York (Mr. HINCHEY), the lead sponsor of this resolution.

Mr. HINCHEY. Mr. Speaker, I very much appreciate the opportunity to speak about this important issue, and I very much appreciate everything that has been said here by Members focusing attention on this critical issue.

I rise today as a representative of the 22nd Congressional District in the State of New York, which includes that wonderful, magnificent City of Binghamton.

Now, less than 4 weeks ago, this proud community suffered a devastating tragedy. On the morning of Friday, April 3, 2009, a single gunman entered the offices of the American Civic Association and there murdered 13 innocent people and seriously wounded four more. I am here today on behalf of Congress to offer our formal condolences, to honor the victims of this tragedy, and to express gratitude to the heroes who responded.

With this resolution, we remember those who were lost that day, offer our condolences to their families, express our hopes that those wounded and touched by this tragedy are on the path to recovery, and thank all those who responded. I want to thank Chairman TOWNS and Ranking Member ISSA for their support in allowing this resolution to come to the floor. I also want to express my appreciation to our Speaker and to our majority leader who assisted us with this resolution.

Binghamton, New York, is a close-knit, diverse community with a long history of welcoming people from all backgrounds, all nationalities and religions, as well as immigrants and visitors from anywhere abroad. It's a place where those looking for a better life are welcomed with open arms and where being a part of a community means being part of a family.

The American Civic Association performs no small role in this process. This organization, the American Civic Association, has proudly served the community since 1935. It offers immigrants and refugees critical services such as counseling, language education, and family reunification in order to help people realize their own American dreams. Their noble work is lauded in the community and supported by people from all political parties and all backgrounds.

The 13 individuals who lost their lives that day ranged from the age of 22 to 72 and included a mother of three, a newly-wedded bride, a student, a teacher, and many others, all of whom were hardworking individuals who had the same goal of being able to offer a better life for their children, their families. I would like to take a moment to pay respect to those 13 victims:

Parveen Ali, Almir Alves, Maria Sonia Bernard, Marc Henry Bernard, Li Guo, Lan Ho, Layla Khalil, Roberta King, Jiang Ling, Hong Xiu Mao, Dolores Yigal, Hai Hong Zhong, Maria K. Zobniw.

Shirley DeLucia was among the four who were wounded. She showed her bravery that day by placing the 911 call after being shot in the abdomen.

I would like to thank those who showed swift and decisive action that morning. First and most importantly, I would also like to offer my utmost gratitude to the law enforcement agencies who responded so quickly and professionally to this major event. The City of Binghamton Police, led by Chief Joseph Zikuski, worked in conjunction with the Broome County Sheriff's Department, the New York State Police, and other neighboring municipalities to heroically address the critical needs of the city and the people.

I would also like to make mention of the help afforded us by our Federal agencies, notably the Department of Justice for its swift action during the immediate situation and to the State Department and the Bureau of Customs and Immigration for their assistance during the difficult aftermath. I would like to thank Binghamton Mayor, Matthew Ryan, and Governor Paterson for their efforts in organizing local and State resources in a very effective and efficient way. I would also like to thank the White House for its direct response and particularly Vice President BIDEN for reaching out and helping to coordinate agencies on the Federal level.

Many lives were lost that day, but many more could have been lost were

it not for the brave and effective actions of our men and women in uniform. They deserve our highest level of respect and gratitude.

While we must continue with our daily lives, let us not forget those who have had their lives permanently altered by this event, and let us also use this tragedy as a daily reminder of how fragile life is and how to make the most of the time that we have.

Mr. LYNCH. Mr. Speaker, I simply urge our colleagues to join Mr. HINCHEY in supporting this resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 340, a resolution that expresses sympathy to the victims, families and friends of the tragic act of violence at the American Civic Association in Binghamton, NY.

My heart goes out not only to the victims and families of this senseless tragedy but to the entire city of Binghamton, New York. I am deeply saddened by the violence that has afflicted that community and that together, the citizens can regain a sense of safety and hope. I would also like to thank and commend the first responders and all of law enforcement who responded to the crime scene and who continue to help the community cope with this tragedy. Binghamton, New York has a long history of welcoming people from all backgrounds, nationalities, and religions, as well as immigrants and visitors from abroad and the American Civic Association in Binghamton has been at the heart of these efforts. For over 80 years, the American Civic Association has served its community assisting immigrants and refugees with counseling, resettlement, citizenship, family reunification, language skills, and other critical services that have played a vital role in the effort to pursue the dreams of immigrants seeking legal citizenship.

Many of those who sought a haven in the Association had escaped the violence of war and tyranny in their home countries to create a better life in the United States. It is a sad irony that instead, they found tragedy.

In the midst of tragedy, I respectfully remind my colleagues that we will continue to be vigilant against these cowardly acts of violence and that our condolences are with the victims and their friends and families. I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 340.

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.

EXPRESSING SYMPATHY FOR ALABAMA SHOOTING VICTIMS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 341) expressing heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama, on March 10, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 341

Whereas the communities of Geneva and Coffee Counties in Alabama have endured a tragic event in southeast Alabama that resulted in the loss of 10 lives and injuries to several others;

Whereas, on March 10, 2009, a man fired at members of his family and other innocent bystanders throughout several towns in Geneva and Coffee Counties in Alabama;

Whereas the result of this shooting spree resulted in the deaths of Bruce Maloy, Lisa McLendon, Andrea Myers, Corrine Gracy Myers, Sonya Smith, James Starling, James White, Virginia White, Dean Wise, and Tracy Wise;

Whereas State Trooper Mike Gillis, Greg McCullough, Ella Meyers, and Jeffrey Nelson, were wounded as a result of the shootings;

Whereas the first responders, State Troopers of the Dothan Troopers Post, officers of the Geneva Police Department, officers of the Geneva County Sheriff's Department, and an officer of the Conservation and Natural Resources department pursued and eventually found the gunman deceased; and

Whereas the grieving and celebration of the lives of those lost in this senseless tragedy will be with the communities of Geneva and Coffee Counties for months and years to come: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama on March 10, 2009; and

(2) conveys its gratitude to the city and county officials, and all the police, fire, sheriff, and emergency medical teams who responded swiftly to the scene and helped prevent further violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

As a member of the House Committee on Oversight and Government Reform, I solemnly join my colleagues in the consideration of House Resolution 341, which expresses our heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties of Alabama on March 10, 2009.

House Resolution 341 was introduced by our colleague Congressman BOBBY BRIGHT of Alabama on April 21, 2009, and was considered by and reported from the Oversight Committee on April 23, 2009, by voice vote. This measure has the support and cosponsorship of 58 Members of Congress.

On March 10, 2009, the people of Geneva and Coffee Counties in southeast Alabama suffered senseless shootings that resulted in the loss of 10 lives and a number of injuries. On that tragic day, the reckless killings began at the shooter's, Michael McLendon, residence in Kinston, Alabama, where he killed his own mother and in addition set the house on fire. The shooter then drove a dozen miles southeast to Samson in Geneva County, where he gunned down six more victims, including four members of his own family. The victims of this senseless act included James Alford White; Tracy Michelle Wise; Dean James Wise; and 74-year-old Virginia E. White, the shooter's own grandmother. Also killed were the wife and daughter of local sheriff's deputy Joshua Myers, Andrea Myers and Corinne Myers, who was only 18 months old.

The shooter continued on his rampage, killing three more people. These random and innocent victims were James Irvin Starling, Sonja Smith, and Bruce Wilson Malloy.

The rampage ended another 12 miles farther east in Geneva at the metals plant where, with a valiant attempt to end the rampage, the State troopers of the Dothan Post, the police department, and county sheriff's department and an officer of the Conservation and Natural Resources Department were among the first to respond and help resolve the situation. After a gun battle with police, Mr. McLendon took his own life.

The memory, the pain, and the grief of this reckless killing spree will remain with the victims in the communities of Geneva and Coffee, Alabama.

Mr. Speaker, with this bill we have the opportunity to acknowledge the lives lost and the courage and resolve of the many law enforcement officials and community members that helped end the situation. I would like to thank the gentleman from Alabama for introducing and ushering through this House such a thoughtful and considerate measure which can only express the heartfelt sympathy we all feel on behalf of those Americans that were impacted by this tragic event.

In closing, Mr. Speaker, I urge my fellow colleagues to support the adoption of House Resolution 341.

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

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

Mr. Speaker, I rise today to urge the passage of this resolution recognizing the tragedy that befell the communities of Geneva and Coffee Counties, Alabama.

Mr. Speaker, this resolution seeks to take a moment to reflect on the impact one man's senseless acts of violence can have on a community, a State, and a Nation.

On the afternoon of March 10, 2009, the worst killing rampage in Alabama's history began as a disturbed

man started his shooting spree in Samson, Alabama. He indiscriminately fired at passersby and finally took his own life 12 miles away at a manufacturing plant in Geneva, Alabama, where he was once employed.

□ 1245

Once the terror ended, the gunman had left a trail of death and destruction across two counties. Tragically, the lives of Bruce Maloy, Lisa McLendon, Andrea Myers, Corrine Gracy Myers, Sonya Smith, James Starling, James White, Virginia White, Dean Wise and Tracy Wise were taken. Along with the devastating news of the 10 deaths, many others were injured, including four State troopers: Mike Gillis, Greg McCullough, Ella Meyers and Jeffrey Nelson.

It is appropriate that we take this opportunity to express our support and sympathy for the families and friends of the murder victims of this horrible act. In addition, we must take a moment to thank the first responders on that day, the Dothan Troopers Post, the Geneva Police Department, the Geneva County Sheriff's Department, the Conservation Natural Resources Department and the medical professionals that all played a role in quelling what could have been an even larger massacre.

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

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the chief sponsor of this resolution, the gentleman from Alabama (Mr. BRIGHT).

Mr. BRIGHT. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise in support of House Resolution 341, which expresses heartfelt sympathy for the victims and families of Geneva and Coffee Counties in Alabama.

On Tuesday, March 10, a lone gunman began a rampage in the Town of Kinston and continued into Samson and Geneva that would leave 11 dead and four injured in southeast Alabama. Without question, it was the worst tragedy Alabama has seen in recent memory.

When I first arrived in Geneva County a day after the shootings, I saw a community still in shock. You never think something like this could happen to you until tragedy strikes in your own backyard. Residents of the Wiregrass were left questioning how one of their own could commit such a heinous and violent crime on his family and neighbors.

A community can never fully prepare for events like these, but first responders, local citizens and elected officials responded to the incident with flying colors. Sympathy for the Wiregrass quickly spread, and an outpouring of aid and goodwill poured into Alabama from across the country. To my colleagues in the House and to people watching across the country, we thank you for your support.

I was impressed by the courage of the people and the ability for everyone to come together and get through this crisis. I truly believe Americans will remember the Wiregrass as a place that will do whatever it takes to help its fellow citizens. One of our greatest strengths as a country is our ability to collectively respond to tragedy and help our fellow men and women in their times of need. The response to the events of March 10 certainly epitomized the strengths of the American spirit.

After the dust settled, it became clear that the incident could have been much worse without quick and decisive action by our local law enforcement. Much has been said about the actions of law enforcement during and after the shootings, and indeed we cannot thank them enough. Without their heroic efforts, the number of casualties could have been much worse. It was a reminder of how much we appreciate those who are on the front lines protecting and defending us every day. We owe a debt of gratitude to our law enforcement officials for what they do to protect us each and every day.

Though it has been nearly 2 months since the tragedy occurred, the loss of so many in a small community still weighs heavy on the minds of the people in the Wiregrass area. To make problems worse, Geneva and Coffee Counties have experienced intense flooding and violent tornadoes over the last several weeks, inflicting hundreds of thousands of dollars of damage to an already grieving community.

While the resolution on the floor today can offer little solace to the families and friends of those who lost loved ones, I wanted the people of Geneva and Coffee Counties to know that my colleagues in Washington are thinking about them and offering their sympathy and continued support.

I hope this resolution offers some peace of mind to the families of those killed: Bruce Maloy, Lisa McLendon, Andrea Myers, Corrine Gracy Myers, Sonya Smith, James Starling, James White, Virginia White, Dean Wise and Tracy Wise; and that it provides moral support and encouragement to those injured and still recovering: State Trooper Mike Gillis, Greg McCollough, Ella Meyers and Jeffrey Nelson.

And finally, we cannot forget the law enforcement and public officials who provided so much support to a community in shock. Their actions are truly appreciated and heroic.

Additionally, I would like to thank the Alabama congressional delegation, my colleagues, Representatives ADERHOLT, BACHUS, BONNER, DAVIS, GRIFFITH and ROGERS, and the 50 other cosponsors of this resolution. The people of southeast Alabama will forever appreciate your unwavering support and sympathy for my constituents in the Second Congressional District of Alabama.

I urge passage of House Resolution 341.

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

Mr. LYNCH. Mr. Speaker, at this point I would like to yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me thank my friend of 10 years, the gentleman from Alabama, BOBBY BRIGHT, for introducing this resolution and giving the House a chance to vote on it and pass it today, and let me pick out just two things to say about this unspeakable tragedy, if I can.

One of the mysteries of human existence is that evil can exist in a divinely inspired world. The people who live in south Alabama are some of the most humble, God-fearing, patriotic people on the face of this Earth. Their God and their faith is an animating principle to them, and it is enormously difficult to contemplate how such good people could have been visited by such remarkable afternoon horror.

I am comforted, as I know the people in that community were comforted, by all of the expressions of support from around the United States of America, by all of the people who came to their aid, by all of the people who lent their good wishes.

The second observation I would make is there is one thing that stood out to me beyond the television images. We all saw the television images, which were sheer terror. But the next morning I made a phone call to one of the chiefs of the police in one of these small communities and I asked him if he knew any of the people who had been killed or injured. Without missing a beat, he said into the phone, ''Mr. Davis, I knew them all. I knew them all.'' He went on to say, ''We are a small town. We go to church together. We play ball together. We meet at each other's homes for holidays. We celebrate events together. We all know each other.''

That is the other unique thing about this event, Mr. Speaker, that this event ripped such a hole in the soul of a community of people who were knit close together. That is the special tragedy.

My final observation, I want to thank again BOBBY BRIGHT from the Second District. When I called him the morning after this event, his first instinct was to think like the very good mayor that he was until he came here. He said, ''I am getting on a plane. I am going back home because I want to know if they need anything. I want to know if they need help.''

That is how executives think, that is how this mayor thought, and the people of the Second District are very privileged and fortunate to have that kind of individual, whose first instinct was ''what can I do?'', not just to lend support, but to be of assistance.

So I extend my condolences to these individuals and to their families. May God bless the souls of the lost, and may He mend the bodies of those who are left and wounded.

Mr. WESTMORELAND. Mr. Speaker, if the gentleman has no further speakers, I will yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I simply urge my colleagues to join with Congressman BRIGHT and Congressman DAVIS in support of this measure, and I yield back the balance of my time.

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. 341.

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.

BRIAN K. SCHRAMM POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1595) to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the ''Brian K. Schramm Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1595

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

SECTION 1. BRIAN K. SCHRAMM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, shall be known and designated as the ''Brian K. Schramm Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, as Chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 1595 for consideration. This legislation will designate the United States postal facility located at 3245 Latta Road in Rochester, New York, as the Brian K. Schramm Post Office Building.

Introduced on March 18, 2009, by my colleague Representative CHRIS LEE of New York and reported out of the Oversight and Government Reform Committee on April 2, 2009, by unanimous consent, H.R. 1595 enjoys the support of the entire sitting New York House delegation.

A lifelong resident of the town of Greece in Rochester, New York, Lance Corporal Brian K. Schramm bravely served in support of Operation Iraqi Freedom with the 2nd Assault Amphibian Battalion, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, North Carolina. On October 15, 2004, Lance Corporal Schramm was killed in action at the age of 22 during an enemy shrapnel attack in Bail Province, Iraq.

Upon his graduation from Greece Olympia High School in 2001, Lance Corporal Schramm chose to fulfill one of his life's dreams and join the United States Marine Corps. He served his first tour of duty in Iraq shortly following the March 20, 2003, launch of Operation Iraqi Freedom, and he bravely returned to the region in June of 2004 for his second tour.

As noted by his devoted father, Keith, Lance Corporal Schramm was a genuine American hero who clearly knew what he wanted to do in life and he did it. Brian's loving family members also described the young soldier as a strong leader and motivator who was never down. He loved life and treated every day as an opportunity for adventure.

Lance Corporal Schramm's friends and teachers at Greece Olympia High School and the surrounding community similarly remember Brian for his depth of decency, his contagious sense of humor, and his refusal to quit any assignment or mission, regardless of the difficulties he faced or the challenges that he met.

Lance Corporal Schramm's genuine devotion to community service will also never be forgotten. In addition to his courageous military service, Brian frequently returned to his alma mater to discuss the war in Iraq, and was hoping to eventually become a police officer.

It is in light of Brian's character and devotion to public service that Greece Olympia High School has already established the Brian Schramm Scholarship, awarded annually to a college-bound senior who demonstrates the extraordinary qualities exhibited by Brian Schramm. And it is my hope that we can further honor this fallen hero through the passage of this legislation, to dedicate the Latta Road post office building in his name.

Mr. Speaker, Lance Corporal Brian Schramm's life stands as a testament to the bravery and dedication of our heroic men and women who have served our Nation at home and abroad, and I urge my colleagues to join us in supporting H.R. 1595.

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

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

I rise today in support of H.R. 1595, to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York as the ''Brian K. Schramm Post Office Building.''

Today we honor one of our nation's fallen heroes—Marine Lance Cpl. Brian K. Schramm.

He embodied every sense of the word hero and paid the ultimate sacrifice on October 15, 2004 at the age of 22.

Lance Cpl. Schramm of Rochester, New York, assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, North Carolina, was killed by enemy action in Babil Province, Iraq. Schramm had spent five months in the Middle East and Iraq in 2003 and was deployed again to Iraq in June of 2004.

Babil Province was a hotspot south of Baghdad and the U.S. military had launched a major offensive in October of 2004 to try to put down the insurgency. Lance Cpl. Schramm was serving his second tour of duty in Iraq at the time.

Friends and family remember Lance Cpl. Schramm for his enduring sense of humor and decency. A high school friend of his described Schramm as ''the most genuine person you'd ever meet in your entire life.''

Lance Cpl. Schramm's father, Keith, speaks of Brian's desire to become a Marine early on in his childhood. ''It was a lifelong dream'' of Brian's to become a Marine.

It is with this in mind that we honor Brian today. With gratitude for his bravery and sacrifice to his country, I ask that all members join me in supporting H.R. 1595, which will rename the post office in Rochester, New York, in Lance Cpl. Brian K. Schramm's honor.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of New York (Mr. LEE), the original sponsor of this legislation.

□ 1300

Mr. LEE of New York. I thank the gentleman for yielding, and I wanted to thank the chairman and the ranking member for helping to bring this legislation to the floor. I also want to thank the members of our New York delegation for cosponsoring this measure.

Last month, I visited with Army National Guardsmen based out of Western New York who spent part of 2007 and most of 2008 serving in Afghanistan. These are soldiers who put their lives on hold for more than a year to help train the Afghan national army and police. They take great pride in the work that they do over there, but what they are most proud of is the fact that everyone came home safe and sound. Of course, not all units are fortunate.

A great hero by the name of Brian Schramm, who grew up in Monroe County, a native of the town of Greece, heard the call to serve early on in his life. He signed up not long after graduating high school and went on to become a tremendous Marine.

On October 15, 2004, Lance Corporal Schramm was on his second tour of Iraq when he became the first resident of the 26th Congressional District to be killed in action in Iraq. He was 22.

Brian made the ultimate sacrifice to protect the values that sustain this country, family, community, hard work and freedom. That is why I introduced this proposal to rename the post office in his honor just a few miles down the road from where Brian had grown up.

This is one way to pay tribute not only to Brian's sacrifices, but those of his loved ones as well, his parents, Keith and Mary Ellen; his older sister, Jennifer; and his two younger brothers, Kyle and Michael.

Keith and Mary Ellen, who I've had the privilege to meet, have honored their son's legacy by becoming very active in local veterans' issues. Mary Ellen recently started the Rochester chapter of Gold Star Mothers.

Being part of a military family requires a great amount of courage, and in Keith and Mary Ellen, the town of Greece has two everyday heroes.

This post office would certainly not be the last tribute to Brian's memory. Each year a student at Brian's alma mater of Greece Olympia High School receives a scholarship in his name. This award is a testament to Brian's incredible work ethic and his lifelong desire to help others.

Today, western New Yorkers seek to take another step towards repaying the great debt of gratitude we owe to Lance Corporal Schramm by redesignating a Federal facility in his honor.

This legislation will make it so that children growing up in the town of Greece now and years to come will ask their parents, who was Brian Schramm? And then they will come to know about the selfless individual and brave patriot who gave his life to protect this Nation.

Mr. Speaker, I can think of no better way to ensure that Brian's legacy endures.

Mr. LYNCH. Mr. Speaker, we have no further speakers, but I continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, we have no further speakers. And I just ask that my colleagues would give unanimous support for the renaming of this post office for this fallen hero.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I join with the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from New York (Mr. LEE) in asking our Members to unanimously support this designation of this post office in memory of Brian Schramm.

I yield back the balance of our time.

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 pass the bill, H.R. 1595.

The question was taken.

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

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

EXPRESSING SUPPORT FOR VIETNAMESE REFUGEES DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 342) expressing support for designation of May 2, 2009, as ''Vietnamese Refugees Day''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 342

Whereas the Library of Congress' Asian Division together with many Vietnamese-American organizations across the United States will sponsor a ''Journey to Freedom: A Boat People Retrospective'' symposium on May 2, 2009;

Whereas Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam;

Whereas many Vietnamese escaped in boats during the late 1970s, after the Vietnam War and by land across the Cambodian, Laotian, and Thai borders into refugee camps in Thailand;

Whereas over 2,000,000 Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines, and other nations;

Whereas over half of all overseas Vietnamese are Vietnamese-Americans, and Vietnamese-Americans are the fourth-largest Asian American group in the United States;

Whereas, as of 2006, 72 percent of Vietnamese-Americans were naturalized United States citizens, the highest rate among all Asian groups;

Whereas Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States;

Whereas Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science, and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes; and

Whereas May 2, 2009, would be an appropriate day to designate as ''Vietnamese Refugees Day'': Now, therefore, be it

Resolved, That the House of Representatives supports the designation of ''Vietnamese Refugees Day'' in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences, and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I stand to join my colleagues in the consideration of House Resolution 342, which expresses our support for the designation of May 2, 2009, as ''Vietnamese Refugees Day.''

And House Resolution 342 was introduced by the gentleman from Louisiana, Congressman CAO, on April 21, 2009, and was considered by and reported from the Oversight Committee on April 23, 2009, by unanimous consent. This measure has the support and cosponsorship of 67 Members of Congress.

Basically, Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam. In the late 1970s, many Vietnamese escaped in boats and by land across the Cambodian, Laotian and the Thai borders into refugee camps in Thailand after the Vietnam war. Over 2 million Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, Japan, China, Hong Kong and South Korea, also in the Philippines and other nations. Over half of all overseas Vietnamese are Vietnamese Americans, and Vietnamese Americans are the fourth largest Asian American group in the United States.

As of 2006, 72 percent of Vietnamese Americans were naturalized United States citizens, the highest rate among all Asian groups. Vietnamese Americans have made significant contributions to the rich culture and economic prosperity of the United States.

Vietnamese Americans have distinguished themselves in fields of literature, the arts, science and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes and so on. And on May 2, 2009, many will come together to recognize what has been designated as ''Vietnamese Refugees Day.''

Mr. Speaker, with this bill, we have the opportunity to commemorate the arrival and integration of Vietnamese refugees into the United States and remember the arduous task that many citizens and the citizens of the world have had to travel to attain for their liberty, safety and prosperity.

I thank the gentleman from Louisiana (Mr. CAO) for authoring such an important resolution, and I urge my colleagues to join all of us here on the floor now in support of the bill.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I rise today, and I wish to yield as

much time as he may consume to my distinguished colleague from the great State of Louisiana (Mr. CAO), the original sponsor of this legislation.

Mr. CAO. Mr. Speaker, I rise today in support of House Resolution 342, to designate May 2, 2009, as ''Vietnamese Refugees Day.''

As the Vietnam war came to an end, millions fled Communist-controlled Vietnam by boat and by land, across the Cambodian, Laotian and Thai borders into refugee camps.

Like me, many of the conflict's refugees came to the United States. In fact, it was April 28, 1975, exactly 34 years ago today, that, as Saigon fell, I climbed aboard a C–130 destined for the United States and my new life. To date, over 2 million Vietnamese boat people and other refugees of the conflict remain dispersed globally.

In the United States, as of 2006, 72 percent of Vietnamese Americans are naturalized United States citizens, the highest rate among Asian groups. Vietnamese Americans have made significant contributions to the cultural and economic prosperity of the United States. They count among their ranks artists, singers, actors, scientists, astronauts, restaurateurs, Olympians and elected officials. While Vietnamese Americans' accomplishments are significant and notable, it is critical that their history and the history of their ancestors be recorded.

Mr. Speaker, on May 2, 2009, the Library of Congress Asian Division is joining many Vietnamese American organizations across the United States in sponsoring a symposium entitled ''Journey to Freedom: A Boat People Retrospective.'' In honor of this significant event, I ask my colleagues to support House Resolution 342 to designate May 2, 2009, as ''Vietnamese Refugees Day.'' By doing so, we enshrine in the hearts and consciousness of Americans the tragic, heroic and uplifting stories of perseverance and the pursuit of freedom of millions of Vietnamese refugees to ensure those stories will stand as an inspiration to generations of Americans to come.

Mr. LYNCH. Mr. Speaker, we have no further speakers, but I continue to reserve my time.

Mr. WESTMORELAND. Mr. Speaker, I yield 2 minutes to my distinguished colleague from the State of Nebraska (Mr. FORTENBERRY), and my good friend and classmate, a great American.

Mr. FORTENBERRY. I thank the gentleman from Georgia (Mr. WESTMORELAND) for the time and for recognizing our valuable partnership in this fine august body.

Mr. Speaker, today I also rise, as the Vietnamese community in my district gathers for their regular meeting, to express my support for a national Vietnamese Refugees Day.

Throughout the past years, I have listened with great interest and admiration to the poignant stories of hardship and triumph that many members of the Vietnamese community have shared with me. I am deeply moved by their dedication to the principles of liberty that have distinguished our American experience. This is expressed in the difficult decisions to leave their beloved homeland of Vietnam and to embrace our Nation's founding principles, principles that those of us who have never experienced life under oppression and communism invariably run the risk of taking for granted.

Even today, Vietnamese American refugees gather across this Nation to raise awareness of concerns affecting their loved ones back in Vietnam. Lincoln's Vietnamese American community has been particularly concerned with religious freedom and Vietnam's two-child policy. And I have tried to make it a priority to urge the Government of Vietnam to uphold its stated commitments to religious freedom. I deeply value the active civic engagement of the Vietnamese American community in Nebraska with regards to these and other important human rights issues.

It is my privilege to serve the Vietnamese American community. And I want to thank Congressman CAO, who, as he mentioned, at 8 years old, 34 years ago today, fled his homeland of Vietnam on a United States of America C–130 transport plane, for bringing this important resolution forward and allowing us to reflect on the profound commitment of the Vietnamese refugee population to the well-being of our Nation.

Mr. LYNCH. Mr. Speaker, we continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, it's my privilege to yield 3 minutes to my friend and colleague from the State of New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H. Res. 342, offered by my good friend and colleague, Mr. JOSEPH CAO. The ''Vietnamese Refugees Day'' resolution sets aside May 2, 2009, as a day of remembrance and celebration for the growing Vietnamese American community in the United States and throughout the world.

First, I would like to say a few words about Mr. CAO, the first Vietnamese-American elected to the U.S. House of Representatives. JOSEPH is a husband, proud father and man of deep and abiding religious faith and currently serves the people of Louisiana's Second District with honor and distinction.

Mr. CAO is far too modest and humble to say it, but he is the quintessential example of a refugee success story.

JOSEPH CAO's father, a lieutenant in the Army of the Republic of Vietnam, was captured by the North Vietnamese at the end of the war and was incarcerated for seven terrible years in a reeducation camp.

In 1975, at the age of 8, JOSEPH escaped Vietnam with two of his siblings. His mom and jailed father remained behind. JOSEPH CAO worked hard in his new adopted homeland. Smart, resourceful, devout and generous to a fault, JOSEPH earned his Bachelor's Degree at Baylor, his Master's from Fordham University, and his J.D. from Loyola Law School.

□ 1315

Never forgetting the plight of refugees, and wanting to make a difference in the lives of the disenfranchised, JOSEPH became an immigration lawyer. He worked tirelessly to aid refugees and to assist in unifying families. He served as a member of the board of directors of Boat People SOS, and he is now a member of the United States Congress and is a rising star in the House.

Mr. Speaker, JOSEPH CAO is an inspiration to all who escape tyranny and come to America. With persistence and hard work and faith, JOSEPH inspires a new generation of refugees and, really, everyone else as well that you can achieve much and do wonderful things if you put your mind to it and you persist.

JOSEPH's legislation highlights the extraordinary work and the contributions made by Vietnamese Americans and the work of groups like Boat People SOS and the work of people like Dr. Thang, who have welcomed Vietnamese asylum seekers fleeing reeducation camps, harassment, and religious persecution, labor violations and other human rights abuses.

Over 2 million boat people and other refugees from Vietnam have received asylum in the United States and around the world. Half of those individuals have made their home in the U.S. Vietnamese Americans have made and continue to make a significant contributions to our country, bringing their rich heritage and culture and work ethic to the United States, their new, cherished permanent home.

The sad thing, Mr. Speaker, is that Vietnam's government continues to repress its own citizens, and the human rights record of that country's government remains deplorable. So many Vietnamese suffer each day at the hands of the government and secret police. It's deplorable.

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

Mr. WESTMORELAND. I yield the gentleman 30 additional seconds.

Mr. SMITH of New Jersey. Additionally, ethnic religious minority groups such as the Montagnards in the Central Highlands and the Khmer Krom Buddhists continue to face intense persecution, beatings and even death.

I would hope that Mr. CAO's resolution causes this Congress to reexamine Vietnam's human rights record and redouble our efforts to promote freedom and democracy in Vietnam and to remove hindrances for Vietnamese people seeking asylum in the U.S. and elsewhere around the world.

Again, I congratulate my good friend and colleague. His is a success story that needs to be held up in neon lights. JOSEPH CAO, you are an extraordinarily talented and courageous leader.

Mr. LYNCH. Mr. Speaker, we continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, I want to thank my colleague, Mr. CAO, for introducing this piece of legislation, and I urge my fellow Members to support the passage of H. Res. 342.

Mr. Speaker, in 1975, after the Vietnam War, a mass immigration to the United States of Vietnamese people began. These early Vietnamese immigrants were fleeing persecution by the Communists in power in that region of the world. They came to America, sometimes with barely the clothes on their back, seeking asylum and a better life.

Many of them can recount harrowing experiences in having to flee their homelands, some by boat, and others by land across Cambodia, Laos and Thai borders into refugee camps. In fact, over 2 million Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines and other nations.

And yet despite these harrowing escapes from oppressive regimes, Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States. Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science and athletics. In fact, just a few months ago, the people of Louisiana's Second Congressional District, elected the first Vietnamese-American and sent the author of this piece of legislation, Representative ANH ''JOSEPH'' CAO, to Congress.

According to Census Data, as of 2006, 72 percent of foreign-born Vietnamese are naturalized U.S. citizens. When combined with the 36 percent of Vietnamese born in America, a full 82 percent of Vietnamese are American citizens. Over half of all overseas Vietnamese are Vietnamese-Americans. What's more, there are well over 1 million people in the U.S. who identify themselves as Vietnamese alone or in combination with other ethnicities, ranking fourth among the Asian American groups.

According to 2006 Census Data, the Vietnamese American population has grown to 1.6 million and remains the second largest Southeast Asian American subgroup.

In light of the civic achievements of Vietnamese-Americans, I am pleased to support, and urge my colleagues to support this resolution, designating May 2, 2009 as ''Vietnamese Refugees Day'' in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I want to congratulate Mr. CAO on his leadership in sponsoring this resolution. I want to thank the gentleman from Georgia for his leadership as well.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of House Resolution 342 and the designation of May 2, 2009 as ''Vietnamese Refugees Day.''

Millions of Boat People and other Vietnamese refugees endured harrowing voyages to escape the tyranny and depravation of communist Vietnam. Hundreds of thousands of those refugees reached the United States, and we are all better for it. Like so many immigrants before and since, they came seeking freedom, and in turn became valuable members of their new communities. I have the privilege of representing many Vietnamese-Americans in San Jose, California, and can attest to this first-hand.

Unfortunately, I cannot speak with the same warmth about the situation inside Vietnam. To this day, the Vietnamese government refuses to respect the basic human rights of its own citizens. Reports by the State Department, the U.S. Commission on International Religious Freedom, and non-governmental and Vietnamese American organizations document egregious abuses of free speech and expression, religious liberty, and many other fundamental freedoms.

So today I rise to honor the experiences of Vietnamese refugees, and to commend the Vietnamese Americans who have successfully rebuilt their lives in the United States while fighting for the rights of those left in Vietnam.

Mr. LYNCH. I yield back the balance of my time.

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. 342.

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. MCGOVERN (during consideration of H. Res. 357), from the Committee on Rules, submitted a privileged report (Rept. No. 111–90) on the resolution (H. Res. 371) providing for consideration of the conference report to accompany the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, which was referred to the House Calendar and ordered to be printed.

SUPPORTING FINANCIAL LITERACY MONTH

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 357) supporting the goals and ideals of Financial Literacy Month 2009, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 357

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices, as well as manage money, credit, debt, and risk and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas personal financial management skills and lifelong habits begin to develop during childhood, making it all the more important to support youth financial education;

Whereas a 2008 survey of high school seniors conducted by the Jump$tart Coalition for Personal Financial Literacy revealed that students in 2008 answered correctly only 48.3 percent of the survey's questions, a decline from those posted by students in 2006, who correctly answered 52.4 percent of the questions;

Whereas 84 percent of undergraduates had at least one credit card in 2008, up from 76 percent in 2004, with the average number of cards increasing to 4.6 according to Sallie Mae's National Study of Usage Rates and Trends 2009 entitled ''How Undergraduate Students Use Credit Cards'';

Whereas personal saving as a percentage of disposable personal income was 4.2 percent in February, compared with 4.4 percent in January, and up from a 12-month average of 1.7 percent in 2008, according to the Bureau of Economic Analysis;

Whereas the average baby boomer has only $50,000 in savings apart from equity in their homes, according to the Federal Reserve Board's Survey of Consumer Finances for 2007;

Whereas studies show that as many as 10,000,000 households in the United States are ''unbanked'' or are without access to mainstream financial products and services;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one financial counseling for individuals;

Whereas bankers across the United States taught savings skills to young people on April 21, 2009, during Teach Children to Save Day, which was started by the American Bankers Association Education Foundation in April of 1997 and has now helped more than 72,000 bankers teach savings skills to nearly 3,200,000 young people;

Whereas staff from America's credit unions are making presentations to young people at local schools on financial topics such as student loans, balancing a checkbook, and auto loans during National Credit Union Youth Week, April 19–25, 2009;

Whereas more than 100 Federal agencies have collaborated on a website, www.consumer.gov, which helps consumers shop for a mortgage or auto loan, understand and reconcile credit card statements and utility bills, choose savings and retirement plans, compare health insurance policies, and understand their credit report and how it affects their ability to get credit and on what terms;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs, collaborate with the private sector, and nonprofit and community-based organizations, and organize and promote financial literacy legislation, seminars, and events, such as ''Financial Literacy Month''

in April, 2009, and the annual ''Financial Literacy Day Fair'' on April 30, 2009; and

Whereas the Council for Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert any extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself 5 minutes.

I would first like to thank my colleague, the gentlewoman from Illinois, for her good work on the issue of financial literacy. I would also like to recognize my colleague, Mr. HINOJOSA, as cofounder and cochair of the Financial and Economic Literacy Caucus and to commend him for his work on this issue.

Possessing the skills to make informed financial decisions not only helps American families, but it's important for long-term fiscal soundness. From basic financial tools like balancing a checkbook and making a family budget, to more complex themes such as understanding intricate contracts, everybody can benefit from a little education on financial literacy.

As we have seen with the recent housing market problems, for example, too many people are unfamiliar with basic economic concepts needed to make responsible investments. With serious questions about the long-term viability of Social Security, it's clear that we do need to do a better job of educating people about the importance of private retirement savings.

Most importantly, however, we must ensure that throughout their regular education, our students have access to programs that promote financial literacy so they can form good money management habits before they inadvertently learn bad ones. Studies show that the percentage of undergraduates with credit cards is rising, while their basic understanding of the terms of these cards is on the decline. We must do something to stem this tide.

With responsible money management skills, it is easier for Americans to ride out rough economic times and prosper in times of economic richness. As we face the toughest economic challenge in our country since the Great Depression, it's evident that exercising prudent monetary practice is not a luxury, but a necessity, for all Americans.

We need to highlight the need for financial education and understanding. H. Res. 357 supports these goals and the goals of Financial Literacy Month. I couldn't be happier to be a cosponsor.

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

Mrs. BIGGERT. Mr. Speaker, I yield myself as much time as I may consume.

I rise today as a cosponsor of House Resolution 357, which recognizes April as Financial Literacy Month, and I would strongly urge my colleagues to support it.

I would like to begin by thanking my good friend and fellow chair of the House Financial and Economic Literacy Caucus, Mr. HINOJOSA, for his continuing efforts to improve financial literacy rates in America. I know he would have liked to have been here. He has been such an important force in financial literacy matters and will continue to be. I would like to thank my colleague from Kansas (Mr. MOORE) for managing this bill on his behalf.

Our Financial and Economic Literacy Caucus has been at the forefront of this issue for several years, but we have much more work to do before us if we are going to help today's children become tomorrow's smart investors, entrepreneurs and business leaders, especially in tough economic times like this.

Mr. Speaker, efforts to stimulate the economy cannot succeed unless we equip Americans with the knowledge and resources they need to succeed in today's market.

According to the Jump$tart Coalition, high school seniors in 2008 answered only 48.3 percent of their organization's survey questions correctly on personal finance, a decline of 4.1 percent from 2006. And your average baby boomer still only has less than $50,000 in savings, and that savings continues to shrink as our economy continues to regain its momentum.

I know it's kind of odd to think about, but one of the few bright spots in the current economic climate is that savings rate has finally risen above the near zero level up to the 4 percent range. I think Americans are learning that a financial buffer is critical when times get unexpectedly tough.

So while we want to stimulate commerce in the short term, we must ensure that people do not forget the lessons of the past. We need to be prepared for tuition costs, a home, health care and retirement. We need a financial cushion against unexpected challenges like the death of a family member or a health condition, and we need the capital necessary for new entrepreneurs to launch the startups and open the small businesses that drive this economy.

Every American should have the opportunity and the know-how to fulfill each of these goals, and we must share these lessons with our children and our grandchildren through new, effective methods of teaching sound money management skills. That is why I urge my colleagues to support this resolution and show that financial literacy remains a top priority for Congress.

I would also like to encourage Members of the House and their staff to attend Friday's annual Financial Literacy Day Fair, which will be held from 12 noon to 4 p.m. in the afternoon in the Cannon Caucus Room, where you will be able to find a broad array of financial educational materials and ideas for reaching out to constituents on this important issue.

With that, I would urge support of this resolution and yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I would join my colleague from Illinois in inviting Members to attend this Financial Literacy Day. This is very, very important and I appreciate her mentioning that.

Mr. DREIER. Mr. Speaker, I rise in strong support of H. Res. 357, supporting the goals and ideals of Financial Literacy Month. I would also like to commend the gentleman from Texas, Mr. HINOJOSA, and the gentlelady from Illinois, Mrs. BIGGERT, the co-chairs of the Financial Literacy Caucus, for all of their hard work on this important issue.

It is imperative in our current economy that we do everything we possibly can to encourage greater financial literacy for all Americans. As we all know, a major factor in the collapse of our financial markets can be attributed to unscrupulous lenders who took advantage of consumers. In these cases, predatory lenders, looking to make a quick buck, misled consumers by encouraging them to enter into complicated mortgage products, such as adjustable rate mortgages, without fully understanding the implications if home prices fell or interest rates adjusted. In other cases, irresponsible borrowers took advantage of so-called "no-doc" loans to exaggerate income information to buy a home they couldn't afford or re-finance to pull equity out, as if their home were an ATM machine. This eventually led to higher mortgage delinquencies and contributed to the housing downturn, ultimately affecting responsible homeowners who lived within their means and paid their mortgages on time. Even the best and brightest minds on Wall Street fell prey to this problem, making bad bets and overexposing their organizations with complicated financial products based on these bad loans. As mortgage defaults increased, the value of many of these real estate-related products collapsed, creating a

downturn which spread to other sectors of the global economy.

It is clear that an understanding of personal finance—from basic spending decisions to deciphering borrowing terms to investing and saving—is important to effectively plan for the future. And there are significant signs that we need to help our youth establish a strong foundation in personal finance at an early age and practice these lessons throughout life. For example, the Jump$tart Coalition's 2008 survey found that only 48.3 percent of high school seniors possessed an understanding of basic finance, a decline from the 2006 survey. At the same time, according to an April 2009 Sallie Mae report, 84 percent of college undergraduates had at least one credit card. This represents a disturbing trend, as these statistics demonstrate that while these young adults have access to credit, they may not necessarily understand how to use it wisely. If we don't encourage our children to understand personal finance now, we run the risk of repeating the same mistakes all over again.

Mr. Speaker, that is why we must all do our part to enhance financial literacy. On April 21, the American Bankers Association Education Foundation held their annual Teach Children to Save Day, to help young people enhance their savings skills. Since 1997, 72,000 bankers have participated to teach nearly 3.2 million youth. Also, America's credit unions made presentations at local schools on financial issues during National Credit Union Youth Week, April 19 to 25. In addition, www.consumer.gov, a website sponsored by 100 Federal agencies, provides assistance to consumers on a variety of financial matters, including shopping for a mortgage or auto loan, understanding credit card statements and planning for savings and retirement.

At the same time, Congress needs to take action to help workers and families begin to rebuild their savings and retirement accounts, and prepare for the future. That is why I am supporting the Savings Recovery Act, which I co-authored this month with several of my colleagues. This bill includes a number of provisions that will help working families recoup the losses that have been suffered and once again build up the savings and retirement accounts that give us all confidence in our financial futures.

Also of note, late last year, the Federal Reserve Board approved final rules which enhance consumer protections and improve credit card disclosure terms. The new rules, which go into effect on July 1, 2010, protect against unexpected interest rate increases, provide consumers with adequate time to make payments and make borrowing terms more understandable for consumers.

Put simply, financial literacy is about opportunity. It is about empowering individuals to make informed financial decisions, helping them to attain financial independence and future prosperity. Working together, we can ensure that America's youth gain a fundamental understanding of personal finance to help them succeed later in life. I am honored to be an original co-sponsor of this measure and urge Members to vote "yes" on the resolution.

Mrs. BACHMANN. Mr. Speaker, I rise today in support of H. Res. 357, which recognizes the month of April as Financial Literacy Month.

As a cosponsor of this important resolution, it is my goal to empower individuals with knowledge so they can make informed decisions and achieve financial freedom. During these tumultuous and unprecedented financial times, it is particularly important that Americans access available financial counseling and individuals pay close attention to details of all their financial agreements. These are surefire ways to ensure that families and individuals have the resources necessary to secure a solid future.

Through a financial plan, we begin to dream. When we dream, we have the incentive to save; and through savings, we flourish financially. Financial stability is the foundation on which freedom and prosperity are built.

Mr. Speaker, as a member of the Financial Literacy Caucus, I am thrilled to cosponsor this resolution so that many Americans, some for the first time, can begin to dream of a life of financial security, and work to reach their highest goals and aspirations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 357, Supporting the goals and ideals of financial literacy month 2009. This resolution is timely. I would like to thank Representative HINOJOSA for his leadership in bringing this bill to the floor. In light of today's economic realities—the fact that this is the deepest recession since the Great Depression with unemployment at record highs—I would encourage each of my colleagues to support this legislation.

Americans are taught to work hard and make money and to buy house, but we are never told about financial literacy. In these tough economic times, it is imperative that Americans know about financial literacy; it is crucial to our survival. Americans need to be prepared to make informed financial choices. Indeed, we much learn how to effectively handle money, credit, debt, and risk. We must become better stewards over the things that we are entrusted. By becoming better stewards, Americans will become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens.

In 2008, 84 percent of undergraduates had at least one credit card. This figure is staggering. Young people who themselves might not even have job are able to get credit cards. This is astounding because it begins the cycle of indebtedness.

Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit.

Because of my concern that young people are not sufficiently informed about financial literacy, I have introduced a H.R. 1325. H.R. 1325, To require financial literacy counseling for borrowers, and for other purposes. This legislation is important because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than $35,000. Passing this legislation will ensure that our nation's college students will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score. Currently there is about $60 billion in defaulted student loan debt.

Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent grads are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

This legislation will provide financial literacy training to students taking out Federal Student Loans and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

I urge my colleagues to support this resolution and to support my bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

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

Mr. MOORE of Kansas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AWARDING CONGRESSIONAL GOLD MEDAL TO ARNOLD PALMER

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1243

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Arnold Palmer is a world famous golf professional, a highly successful business executive, a prominent advertising spokesman, a devoted husband, father, and grandfather, and a man with a common touch that has made him one of the most popular and accessible public figures in history.

(2) Arnold Palmer amassed 92 championships in professional competition of national or international stature by the end of 1993, 62 of which came on the Professional Golf Association Tour.

(3) Arnold Palmer's magnetic personality and unfailing sense of kindness and thoughtfulness have endeared him to millions throughout the world.

(4) Arnold Palmer has been the recipient of countless honors including virtually every national award in golf and both the Hickok Athlete of the Year and Sports Illustrated's Sportsman of the Year awards, and he was chosen Athlete of the Decade for the 1960s in a national Associated Press poll.

(5) Arnold Palmer has received numerous honors outside the world of sports, including the Patriot Award of the Congressional Medal of Honor Society, the Golden Plate award of the American Academy of Achievement, and the United States Navy Memorial Lone Sailor Award.

(6) Arnold Palmer was honored by the United States Golf Association with the opening of the Arnold Palmer Center for Golf History on June 3rd 2008.

(7) Arnold Palmer served his country for 3 years in the United States Coast Guard and was among those chosen to address the Joint Session of Congress on the occasion of the 100th anniversary of the birth of President Dwight D. Eisenhower.

(8) Arnold Palmer served as Honorary National Chairman of the March of Dimes Birth Defects Foundation for 20 years and played a major role in the fund-raising drive that led to the creation of the Arnold Palmer Hospital for Children in Orlando and the Latrobe Area Hospital Charitable Foundation in his Western Pennsylvania hometown.

(9) Arnold Palmer remains active in tournament golf, although he retired from competition in the major championships on April 14, 2002, when he played the last of his 48 Masters Tournaments, where he was given an emotional standing ovation as he finished the 18th hole.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike duplicate medals in bronze of the gold medal struck pursuant to section 2 and sell such duplicate medals at a price sufficient to cover the costs of the duplicate medals (including labor, materials, dies, use of machinery, overhead expenses) and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORIZATION OF CHARGES.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first of all I would like to thank Chairman FRANK, Ranking Member SPENCER BACHUS and my colleague, JUDY BIGGERT, who is also a cosponsor of this legislation.

I want to take the time to thank my colleagues in the House of Representatives for their support on this bill. It truly is a bipartisan bill.

I also want to thank my staff for their hard work and dedication. I rise today in strong support of H.R. 1243, to honor Arnold Palmer with a Congressional Gold Medal. Arnold Palmer's golf record is one history will forever remember. He is a legend and a giant amongst golfers.

I have had the opportunity to play with Arnold Palmer before. My son, Joe Baca, Jr., mayor pro tem, City of Rialto, was also in attendance. This was the most memorable outing I have had the pleasure of experiencing. It was an experience the two us will never forget.

It was like a dream come true. I had to pinch myself to make sure that this wasn't just a dream. Not only is he a golf legend, but also a genuine person with a great sense of humor.

Walking these 18 holes with him will forever be one of my greatest moments in life, besides, of course, marrying my wife and having my four children.

His drive and passion for the game is an example of sportsmanship of the highest caliber and was an inspiration to me.

However, I ask that Arnold Palmer be awarded the Congressional Gold Medal for his leadership as an American.

□ 1330

Palmer was born in Latrobe, Pennsylvania in September of 1929. He learned golf from his father, Deacon Palmer, who was the head professional and greenskeeper at Latrobe Country Club. At the age of 7, Palmer broke 70 at Bent Creek Country Club.

Can you imagine the rest of us with the kind of equipment that we have today and his having that equipment and breaking 70 at that tender age? My Lord, that is something else.

As a youngster, Palmer was only allowed on the Latrobe course in the early mornings or late afternoons when the members weren't playing. He attended Wake Forest University on a golf scholarship. He left upon the death of close friend, Bud Worsham, and enlisted in the Coast Guard where he served for 3 years and continued to hone his skills.

Palmer gathered himself and returned to competitive golf. His win in the 1954 U.S. Amateur Championship made him decide to try the pro tour for a while, and he and his new bride, Winifred, whom he had met at a Pennsylvania tournament, traveled the circuit for 1955.

As a member of the Professional Golfers Association, PGA, which also stands for ''posture, grip and alignment,'' Palmer won the 1955 Canadian Open in his rookie season. He raised his game systematically for the next several sessions.

With the help of his unfailing personality and lucrative business ventures, Arnold Palmer has almost single-handedly brought golf out of the elite country clubs and into the consciousness of mainstream America, which is where most of us are from, mainstream America.

Palmer won his first major championship at the 1958 Masters, cementing his position as one of the leading stars in golf. Palmer is credited by many for securing the status of the Open Championship—the British Open—among U.S. players.

After Ben Hogan won the championship in 1953, few American professionals had traveled to play in The Open due to its travel requirements, relatively small prize purses and the style of its links courses. That means traveling across the country for the game of golf and for the love of the game of golf to ensure that others love the game and are as compassionate as he is about the game.

Palmer's Open wins in the early 1960s convinced many American pros that a trip to Britain would be worth the effort. He secured his popularity among the British and European fans and, of course, the American fans.

In all, Arnold Palmer won 92 professional events. Can you imagine what that's like? Ninety-two. Some of us can't even win when we go out and play on a weekend. Ninety-two professional events. His most prominent professional titles were four Masters—and I repeat four Masters—in 1958, 1960, 1962, and 1964—wow—two British Opens in 1961 and 1962 and the memorable U.S. Open Championship at Cherry Hills in Denver, Colorado in 1960.

In 1960, he won the Hickok Belt as the top professional athlete of the year

and Sports Illustrated magazine's Sportsman of the Year award—something that a lot of us are striving for that we'll probably never, ever make, but we congratulate him on that award.

In 1967, he became the first man to reach the $1 million in career earnings on the PGA Tour. Can you imagine the amount of money during that period of time and what he would have won now if they'd paid the same amount of money? He'd be equal to Tiger Woods, I believe, but that wasn't the case. They didn't pay as much.

Palmer won the Vardon Trophy for the lowest scoring average four times in 1961, 1962, 1964, and 1967. Can you imagine the lowest scoring? Well, most of us get the highest scoring award right now versus the lowest scoring award on the average, and that's quite a compliment, you know, for someone to receive.

Arnold Palmer also represented the U.S. in the Ryder Cup matches seven times as either a player or as a captain. Seven times. You know, when we've had the Ryder Cup that has come here in our congressional, I'm glad that I've been a member of our Ryder Cup. We've been successful in defeating that cup; but can you imagine Arnold Palmer being there seven times as either a player or as a captain? That's quite an honor. He was the last playing captain in 1963 and captained the team again in 1975.

Palmer was eligible for the Senior PGA Tour from its first season in 1980, and he was one of the marquees named who helped it become successful. That's giving those individuals who play on the young tour an opportunity to continue or it's creating hope for seniors who want to become professionals. There are others who have become professionals as seniors. Thanks to Arnold, those gates were opened to allow individuals to get there.

He won 10 events on the tour, including five senior majors. He retired from tournament golf on October 13, 2006.

One of his favorite drinks is a combination of half iced tea and half lemonade. You thought I was going to say some kind of mixed drink or liquor. No. Half iced tea and half lemonade. It's a drink which is often referred to as the ''Arnold Palmer'' in his honor. That's a great drink for those of you who haven't had the Arnold Palmer. I'm not soliciting, asking you to go out and do that, but that's great. It's a good drink to get when you're out on the golf course.

I ask that we honor Arnold Palmer with a Congressional Gold Medal because of the way Arnold Palmer lives his life. He is a perfect example of how Americans should live—and I state: how Americans should live. Arnold Palmer's way of life is a perfect example of how all Americans should give—how Americans should give.

He is a devoted husband, father and grandfather who cares for his family and who has helped many other families during times of hardship and struggle. He has helped many other families during times of hardship and struggle, and that's what we're going through right now in this Nation and in this country with the recession that we're in and with many people losing their homes and their jobs.

Arnold Palmer's work in philanthropy shows his dedication towards helping others. He is known to have an unfailing sense of kindness, and has used the game of golf as a means of sharing. He proactively helps others survive extreme health emergencies. As a cancer survivor, he knows firsthand how devastating health issues can be. Arnold Palmer served as Honorary National Chairman of the March of Dimes Birth Defects Foundation for 20 years. That means he dedicated himself for 20 years to the March of Dimes Birth Defects Foundation. He played a major role in the fund-raising drives that led to the creation of the Arnold Palmer Hospital for Children and Women in Orlando in the 1980s. The hospital has been healing women and children from central Florida and around the world with care, compassion and a leading edge in medical care.

The Winnie Palmer Hospital for Women and Babies has left a permanent mark on the lives of thousands of families from around the world—and that's around the world.

The Arnold Palmer Prostate Center—and I state ''prostate center'' because most of us may be having it, but we want to make sure that we look at prevention. He has recognized every cancer patient as unique because of his prostate cancer center. It offers a variety of programs, including counseling, nutrition, support groups, a cancer lecture series, exercise for cancer patients, and arts in health care, because he cares about those patients or those individuals who have been affected with prostate cancer. Even my bishop, Bishop Barnes, had prostate cancer, and I remember that. It's for individuals who care about others and who want to improve their quality of life, which is what Arnold Palmer has done for them.

Arnie's Army Battles Prostate Cancer is a unique funding-raising and awareness campaign of the Prostate Cancer Foundation. This program is designed to help organizers and participants use golf as a fund-raising tool to raise money for better treatments and for the cure of prostate cancer. Every dollar raised by Arnie's Army tournaments—and I state ''every dollar''—goes directly to the Prostate Cancer Foundation. That means every dollar goes to the Prostate Cancer Foundation.

The Arnold Palmer Cancer Pavilion fulfills a longtime dream of his to offer outpatient oncology and testing. They are committed to the prevention, detection, diagnosis, and treatment of cancer in his home town.

The Winnie Palmer Nature Reserve Trust's mission is to permanently improve and maintain property preserved by the Pennsylvania Department of Conservation.

We thank Arnold Palmer; his late wife, Winnie; his two daughters, Peggy and Amy; and his five grandchildren, Emily, Katherine Anne, Anne Palmer Saunders, Nicola Wears, and Samuel Palmer Saunders, for making America a better place. He, too, is a role model, an example that, if you lead by example, others can be better, and he has done that in what he has demonstrated and in what he has done as an American.

Although Arnold Palmer does not feel comfortable being called the ''king of golf,'' Arnold Palmer is royalty, royalty in the eyes and hearts of those he has helped. We thank Arnold Palmer. We thank you for your life's work.

His legions of fans were often called Arnie's Army. Well, now we can be called Arnie's Congressional Army. So he no longer just has the army out there. He has Arnie's Congressional Army.

You are a true American, an American deserving not only of the Presidential Medal of Freedom and of the U.S. Navy's Lone Sailor award, to name a few, but Arnold Palmer deserves to be honored with a Congressional Gold Medal. For this reason and for many reasons unsaid and of stories unsaid and for the people who have met him, I urge all Members to support this passage.

I reserve the balance of my time.

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

As Sports Illustrated said in a 1994 story, ''All Arnold Daniel Palmer did was save golf. All he did was bring golf back to the truck drivers and the mailmen, whoever. Basically, he took a game that was a little too prissy, a little too clubby, a little too saturated with Ivy League men trying not to soil their cardigans and breathe sweet life into it.''

Every one of us, even nongolfers, can name a few men of the links—Tiger Woods, of course, and perhaps Phil Mickelson of today's game; Gary Palmer, Gary Player and Jack Nicklaus from a couple of decades ago; and for those who have been playing for years, maybe Ben Hogan and Byron Nelson to whom we awarded the Congressional Medal of Honor in the 109th Congress, but everyone would name Arnold Palmer.

Amazingly, for a man who won the 92 professional tournaments and who at one time was the highest paid professional athlete, earning more than $1 million a year, Arnold Palmer always seemed as someone who was an everyman. His swing looked pretty much like the guys' you would see on a course on a weekend. It definitely was not the picture perfect one of a pro, but it did matter. Arnold Palmer was a man who understood the history and continuity of the game.

Born in a steel town east of Pittsburgh, he moved to Latrobe, Pennsylvania with his parents when he was

young. His father was known as Deacon Palmer, who worked at the Latrobe Country Club for years, rising from a groundskeeper to a teaching pro. He started his son at the age of 3 with a set of golf clubs and, really, was Arnold Palmer's only teacher.

Years later, in 1960, Palmer began a successful crusade to resurrect the status of the British Open at the old course in St. Andrews, Scotland, becoming the first American of stature to play there since Ben Hogan.

Arnold Palmer put his good winnings to use, becoming so involved in business that some thought it detracted from his golf game, but he also worked tirelessly for various charities, spending 20 years as the honorary chairman of the March of Dimes Birth Defects Foundation and in spearheading the creation of the Arnold Palmer Hospital for Children and Women in Orlando, as well as raising funds for the Latrobe Area Hospital Charitable Foundation in his hometown.

You heard from Mr. BACA of many, many more things that he did, but as a Member of Congress from Illinois who has the most golf courses in her district in Illinois, I am honored to manage this bill.

With that, I urge Members to join me in support of H.R. 1243, introduced by the gentleman from California (Mr. BACA).

With that, I would reserve the balance of my time.

□ 1345

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

Mrs. BIGGERT. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, it is not often that we get to talk about people that we consider to be a true gentleman, a true friend and a great American. That is what Arnold Palmer is to all of us. I am honored that he lives in my congressional district, at least during the warm months, out in Youngstown, Pennsylvania, an area close to Latrobe, Pennsylvania, at the place that he grew up.

Now, I am not a great golfer. And, in fact, to discuss it at all would be an embarrassment to me. But I did have a chance to play with Mr. Palmer once, and in so doing, traveling across his golf course, he points to a tree, or formerly a tree, which is now carved in the likeness of his father. And that brings about many a story about Deacon and how he taught young Arnold to play golf and many of the other things about him that have become famous icons: that tractor which he brings out now and then to show people when they come to the golf course, or how you will often see Arnold sitting out there talking to anybody who comes by, signing anything they put before him, because he is just so close to the people of the district and of America, always willing to shake their hand.

And a handshake means something to Arnold Palmer. Very famously, he had that long-term agreement with his former manager, Mark McCormack, that lasted from 1960 until his death in May of 2003. He has the same kind of agreement with Doc Giffin, his assistant. That's the way Arnold does business. A handshake means something to him. You don't have to put it in writing.

We can also look at other parts of his life. Back when he was a champion golfer at Wake Forest, he left there after the death of a friend and joined the Coast Guard. And one would have thought he gave up golf entirely except he went out and played a little golf in Cleveland and rediscovered this great talent he had, and, well, the rest becomes history.

But more so than the stories of golf are the stories of what he has done in western Pennsylvania and really around the Nation.

As a pilot, he helped to develop Latrobe Airport, and interestingly enough, served in its authority for many years except during a time when he had his own business interests there. Being the true gentleman and person of high ethics that he is, he stepped off that aviation board for a while to make sure he didn't have any conflicts of interest.

He's also given a great deal to many charities. He helped establish the Winnie Palmer Nature Preserve that just yesterday, there was the laughter of children there on the St. Vincent's College campus exploring that area in the woods and marshes that his former wife, Winnie, had talked about, how it was so important to preserve that area. He's also given so much to Latrobe Hospital where he remains head of their charitable board after raising so many millions of dollars for that hospital to help with charitable care. And also the Arnold Palmer Pavilion, part of Latrobe Hospital's Mountain View Medical Park facility.

But beyond all of that, other ways to describe him is when you go to his office there—it's along the same road where he grew up out there on Arnold Palmer Road it's now called—you go up to his office and you'll see it's filled with trophies and photos of people he's played with of all levels. And of course that famous room where he always tinkers and works on his own putters and a wall filled with I don't know how many thousands of putters. He's got another area there, a warehouse filled with everything that anybody has ever given him. In fact, I gave him some congressional golf balls, and he said, ''I'll put these in the warehouse with everything else.'' I'm sure he catalogues it all.

I remember walking through and pointed to a certain club and said, ''Do you know what all these are for?'' He said, ''Sure.'' You name a certain hole, a certain year, a certain course, he will tell you what club he used and what happened on that. Most famously he has that twin set of golf balls mounted on the wall in his office. This is when he hit the back-to-back holes-in-one in 1968 at TPC Avondale. He hit it one year—I think it was the No. 5 hole, I'm not sure—hit it and the next day he shows up on the hole again and there's all the camera crews there. He said, ''What are you doing here?'' They said, ''We want to watch and see you hit another hole-in-one.'' He didn't expect it, but that's what he did.

There's a couple other things about him, too. In his office, he has a table, and it's filled with the medals that he receives from every tournament that he wins. But there are a couple of empty spaces on that table. I remember asking Arnold what those are for. He said, ''You never know. You might just win another medal.'' Quite frankly, I think that would be a good place for this Congressional Medal to go.

A story about him and golf was told to me by a person who probably doesn't want me to use his name, so I won't. But it's probably some of the best golf advice any of us could ever have and, again, shows some of the spirit of Arnold Palmer.

He was playing with this other golfer who was not having a very good day and was probably doing his share of slamming his club down and cussing and swearing, I suppose, as he shanked the ball and hit it to the left and right off the course. At some point, Palmer said to him, ''Would you like some advice?'' Now, imagine what any of us, no matter what level of golf you have as talent or lack thereof, if Arnold Palmer, the King of Golf, says to you, ''Would you like a little advice?'' At this point the golfer eagerly said, ''Yes, I'd love it.'' And Palmer said to him, ''You're not good enough to get mad.''

Well, so it is great advice for all of us. We're not good enough to get mad. Let's leave that to the professionals in this.

But it is important that we recognize Arnold is good enough to receive this recognition. And I might say in all the years I have known Arnold Palmer, he's never asked me for anything—well, except for one thing. The man who seems to have it all has never come to his Congressman saying, I want you to do this or that. He just asked this: When you drive down Arnold Palmer Road and you come across the entrance to Latrobe Country Club where the sign says ''slow down, golf cart crossing,'' he really doesn't want anybody to get hurt there, and he would sure appreciate it if you just slowed down your car.

All in all, though, for a life that is still very rich in its accomplishments and for a person who has made America a better country because of what he has done, not only for the sport of golf but for health and for so many people around this country, Mr. Speaker, Arnold Palmer is a man well-deserving of this Congressional Medal.

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

Mrs. BIGGERT. Mr. Speaker, at this time I would yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague over there who is a great golfer for introducing this resolution and my colleague from Pennsylvania.

One of the things I will just say at the outset is I envy you because you had a chance to play golf with him. Tom Ridge, our former colleague, promised me when he became governor, he was going to arrange for me to play with Arnold Palmer, and he never did it. So when you see Governor Ridge, would you tell him I am still disappointed about that. Would you do that for me? Thank you. Be sure to tell him.

There's been a lot said about Arnold Palmer today, and I am not going to be redundant and go over the things that have been said. But I will tell you this: that I have been an avid golfer and have followed golf all of my life as soon as I was 12 years old, and there's nobody that I know that brought golf from a minor sport into the major arena like Arnold Palmer did.

Years ago, he won the Los Angeles Open, and on the front page of the Indianapolis Star newspaper they had a picture of him with a check for $5,000, and he was holding it up like, ''My gosh. Isn't this a tremendous amount of money?''

When Arnold Palmer came on the scene and started making the great comebacks that he did in the Masters and U.S. Open and the PGA and British Open, he brought a new attitude to golf, a new sensation to golf. You talked about Arnie's Army, and people across the country who didn't play golf, who weren't really interested in the sport, became interested because here was a guy you see on television coming down to the 16th or 17th hole, two shots behind, and you knew he was going to be there at the end. He was a lot like Tiger Woods is today. He would knock in a putt at the 16th or 17th hole and everybody would go crazy, and he would win the tournament on the last one. We've seen Tiger Woods do that. Arnold Palmer was the Tiger Woods of his day. He made golf a tremendous sport, a spectator sport, and he made it into something that every American is now interested in.

He did a lot of humanitarian things. I know you mentioned his involvement with children and the March of Dimes and prostate cancer. He did all of those things. But none of that wouldn't have occurred if he didn't have the personality and charisma that he showed on the golf course all those years. We had great players like Nicklaus, Player and Trevino and a whole host of them that played with him, but Palmer was the man. He was the guy that we all watched on Sunday afternoon and couldn't wait to get to the TV set to cheer on.

I am tickled to death that you're moving this medal of honor for him, and I am very happy to add my two cents worth. I think it's a great honor for him, and I hope he does put it in a very important place with all of his other trophies.

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

Mrs. BIGGERT. I have no further speakers and would yield back the balance of my time.

Mr. BACA. Mr. Speaker, first of all, I would thank JUDY BIGGERT. Thank you very much for being a cosponsor of this important legislation. I want to thank TIM MURPHY and, of course, my good friend DAN BURTON, who, as well, is an excellent golfer I've had the opportunity to play golf with on many occasions. And he does hit the ball a long ways. Although we have a difficult time in getting it in the hole in three or four, whatever the course may be. Tim, I know that you had the privilege, like I, of playing with Arnold Palmer; and it's really quite a memorable experience. For those of us who have an opportunity to walk down the 18th hole, talk to him, look at his personality as a human being. He's one that's touched the life of many individuals.

For people that have watched him play golf and have played golf, and not everybody can exert and be as good as Arnold Palmer was—and is, still today—and what he has done for the game itself not only for individuals that go there that when you're playing a lot of times, he is one that was a risk taker, a challenger. He's the one that said when it was impossible to hit that kind of a shot, he would dare and hit in between woods, try to hit over trees, try to make sure that if there was a lake, he says, ''I'm going to get to the tin cup of the world.'' He was the tin cup, except he got there and didn't have to take 12 strokes to get there.

That's one thing about Arnold Palmer is he lifted the game to another level because he believed in the challenge of it. He just didn't believe in just being that safe person and getting a par on a par 4 or getting a par on a par 5 or par 3. He always went for that birdie or that eagle because a lot of times he reached it.

As I stated before, can you imagine what he would have been today if he had the kind of equipment that we have right now in hitting the balls and in playing. He's one that excelled in terms of having the excellence, because for those of us that even get over a putt, it's very difficult to be over a putt and then all of a sudden, you have to make that putt. I happened to be playing the other day, and I had maybe a two-and-a-half-foot putt for a birdie. I missed it. Can you imagine him? He had the nerves to make sure that he not only made that putt but made every other putt. Nerves of steel. And for that, we will always remember that he touched the lives of many individuals, and I think that's important for a lot of us, to know of a human being that really cared about people, that wanted to make people a lot better, and he did it through golf.

He felt that golf was an opportunity for himself to excel and show the world that others can participate in this game and give back. He always believed in giving back to the community, and that's what he's done. That's why our lives are a lot better, and he's touched the lives of many individuals today that will always look at him, that have followed him throughout the world in Arnie's Army, now the Congressional Army that he has out here, to say, Arnie, we now realize that you did more than just golf. You did a lot for human beings in this world right now.

That's why, Mr. Speaker, I ask us all to make sure that we support H.R. 1243, to provide the award of the Gold Medal on behalf of Congress to Arnold Palmer in recognition of his service to this Nation in promoting excellence and good sportsmanship.

Mr. MURTHA. Mr. Speaker, I rise today in support of H.R. 1243, which will award a Congressional Gold Medal; to my good friend Arnold Palmer, recognizing his service to our nation in promoting excellence and good sportsmanship in golf.

Arnold Palmer, who was born and raised in Latrobe, Pennsylvania, is an extraordinary individual who has achieved greatness. Mr. Palmer's father, Deacon Palmer, taught him to play golf at an early age and he quickly excelled at the game. He continued playing while attending Wake Forest University on a golf scholarship and while serving in the United States Coast Guard.

After winning the U.S. Amateur Championship in 1954, Mr. Palmer turned pro. Since then he has won seven major championships, including winning the U.S. Open and the Open Championship twice, and was the first golfer to win the Masters Tournament four times. In addition to winning 61 tournaments between 1954 and 1975, he represented the United States by playing in the Ryder Cup six times between 1961 and 1973 and by serving as captain in 1963 and 1975. In 1963 he was the last player to also serve simultaneously as captain. He also served as the Presidents Cup captain in 1996.

Over the course of his career, Mr. Palmer was honored with many accolades. He was the PGA Player of the Year in 1960 and 1962, he won the Vardon Trophy four times, was named Sports Illustrated magazine's Sportsman of the Year in 1960, and was inducted into the World Golf Hall of Fame in 1974. He was awarded the Presidential Medal of Freedom in 2004.

Mr. Speaker, in addition to golf, Mr. Palmer is an extraordinary businessman, a skilled aviator, and a devoted family man. He founded the Arnold Palmer Pavilion at the University of Pittsburgh Medical Center, which is helping many western Pennsylvanians in their battles with cancer. Arnold Palmer is a favorite son of Latrobe, Pennsylvania, inspiring many to work hard and follow their dreams. He is truly deserving of the Congressional Gold Medal.

Mr. BACA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 1243.

The question was taken.

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

Mr. BACA. 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.

□ 1400

FAMILY SELF-SUFFICIENCY ACT OF 2009

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 46) to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 46

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 ''Family Self-Sufficiency Act of 2009''.

SEC. 2. ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.

Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) SECTION 8 FEES.—

''(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

''(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

''(i) BASE FEE.—A public housing agency serving 25 or more participants in the family self-sufficiency program under this section shall receive a fee equal to the costs of employing one full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

''(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

''(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development for more than three such coordinators in any of fiscal years 1999 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

''(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop an family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to one family self-sufficiency coordinator, based on the size specified in its action plan for such program.

''(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

''(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

''(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding one coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

''(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

''(E) PERFORMANCE STANDARDS.—Within six months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

''(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

''(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to the Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to the Congress. There is authorized to be appropriated $10,000,000 to carry out the evaluation under this subparagraph.

''(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made available for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert additional materials thereon.

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

There was no objection.

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

I rise today in support of H.R. 46, the Family Self-Sufficiency Act of 2009. I thank the gentlewoman from Illinois, Representative BIGGERT, for introducing this critical legislation which provides housing agencies with much-needed administrative funds.

H.R. 46 provides public housing agencies with a funding source to cover the costs of administering Family Self-Sufficiency, or FSS, programs in connection with HUD's section 8 voucher program.

This legislation enhances the FSS programs by providing housing authorities with additional coordinator funding so that they can help more families participate in the programs. It establishes a minimal ratio of coordinators to participants to ensure that there is adequate assistance to provide all of the families enrolled in the FSS program.

H.R. 46 requires HUD to establish and implement performance measures, collect data on FSS programs, and report to Congress on the effectiveness of these programs.

With this additional funding, HUD will have the flexibility needed to reward innovative and successful FSS programs. And that is important for a lot of us, to have the flexibility to reward those programs that are doing a good job. Mr. Speaker, as someone who comes from a district that has been one of the hardest hit by the foreclosure crisis—and that is in the Inland Empire—I can tell you that there is greater need now than ever before for public housing.

The FSS program works. It provides struggling families with the assistance they need, while also lessening their reliance on public housing so that they can eventually become self-sufficient homeowners and renters.

In my district, the waiting list for affordable housing for some families is as long as 10 years, and that is a shame that it has to be as long as 10 years. In this time of economic difficulty, we must support legislation that provides funds for public housing agencies that put more families on the path back to economic security.

Again, I want to thank Representative BIGGERT for her hard work on H.R. 46 and her commitment to this issue. Thank you for your commitment to this issue on behalf of all the families that will be impacted.

I urge my colleagues to support the Family Self-Sufficiency Act.

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

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

Mr. Speaker, as the author of H.R. 46, the Family Self-Sufficiency Act, I encourage all my colleagues to support this important legislation which will help more disadvantaged families gain independence from government assistance.

Thanks to the support of my colleague from California (Ms. WATERS) last Congress as a part of the larger section 8 voucher reform package and as a stand-alone measure, twice the House passed the Family Self-Sufficiency Act. Today, we will again consider the same measure.

The Senate didn't act on section 8 reform legislation last Congress, which is why we are moving this legislation again. The Family Self-Sufficiency Program, also called FSS, is offered in connection with the Department of Housing and Urban Development Section 8 Housing Choice Voucher Program.

Local public housing authorities employ FSS coordinators and administer these programs. In addition to rental housing assistance, FSS programs connect families to housing counseling, job training, child care, education, and other services to help them reduce their dependence on public assistance. FSS also helps families save for homeownership.

The FSS program is well worth it. Let me give you a quick example of an FSS success story from my congressional district.

After 6 years of service, a Navy veteran and a single mom of two secured a part-time job, and thanks to the GI Bill, enrolled as a full-time student. Despite struggling to make ends meet, she received her degree and enrolled in the DuPage County Housing Authority Family Self-Sufficiency Program. This program connected her to a résumé writing class at the University of Illinois' Employment Training Center. Within a week of posting her newly polished résumé, she secured interviews and eventually a full-time job that doubled her salary. She also worked with a financial planner to improve her budgeting and management skills. Today, this single mother and veteran is an independent and self-sufficient homeowner, a long way from public housing.

So what is the problem? Well, in fiscal year 2004, HUD changed its FSS coordinator funding process, and the result, in a 20-month period: the number of FSS coordinators dropped by about two-thirds, and 4,000 fewer families participated in the program. HUD has attempted to fix the mistake, but without success. So that is why H.R. 46 is necessary, to ensure that public housing authorities have consistent coordinator funding necessary to administer the program and serve people who choose the FSS path to independence.

H.R. 46 establishes a minimum ratio of program coordinators to participants; ensures the Public Housing Authority gets funding for one coordinator for 25-plus families enrolled in its FSS program; with 75 or more families enrolled, funding for two coordinators; and with 125 or more families enrolled, funding for three coordinators. It also requires HUD to establish and implement performance measures, collect data on FSS programs, evaluate their effectiveness, and report to Congress on its findings. Finally, the bill provides some funding flexibility to reward innovative and successful programs.

FSS works. It is a helping hand, not a handout, to American families who are working to become independent of government assistance. With the challenges American families face in this economy, the Family Self-Sufficiency Program, and those like my constituent who have benefited from it, are a glimmer of hope. With this program, families can successfully make ends meet, raise children, get an education, secure a job, and achieve the dream of homeownership. It is a simple, bipartisan step that we can take now to ensure that a brief period of economic hardship doesn't turn into a lifetime of poverty and dependence for many of our Nation's most vulnerable families. It does so by addressing the lack of consistent Federal funding for administering FSS services.

Mr. Speaker, these are good, flexible programs that help put disadvantaged families on the path to independence. Public housing can be an important safety net, but it is not a permanent solution. Let's give these individuals all the support we can to help them stand on their own two feet.

As I conclude, I would like to thank everyone who made this bill possible, including John Day, president of the DuPage Housing Authority; Jeffrey Lubell, executive director of the Center for Housing Policy; and the folks at the American Association of Service Coordinators, the National Housing Conference, the New America Foundation, and the Corporation for Enterprise Development. And of course I would like to thank my constituent for her courage and willingness to let me share her success story with all of you today, and the gentleman from California (Mr. BACA) for managing this bill.

At this time, I would like to insert into the RECORD a 2008 letter from the American Association of Service Coordinators.

SEPTEMBER 24, 2008.

Hon. JUDY BIGGERT,
Ranking Member, Financial Institutions and Consumer Credit Subcommittee of the House Financial Services Committee, House of Representatives, Washington, DC.

DEAR RANKING MEMBER BIGGERT: On behalf of the undersigned organizations, we write to thank you for the introduction of the Family Self-Sufficiency Act of 2007 and for your support of stabilized funding for the HUD Family Self-Sufficiency program (FSS).

We appreciate your recognition of the importance of stable, predictable funding for the FSS program. The improvements prescribed in the FSS Act will enable agencies to run effective FSS programs and ultimately provide more families with the opportunity to build assets and work toward self-sufficiency.

As you know, changes in the way Section 8 FSS funding has been allocated for FSS coordinators in recent years has caused many housing agencies to experience sudden funding cut-offs and declining enrollment. Moreover, many participants have been left without the necessary program coordinators who are critical to their access to services and support and mentorship for their progress toward self-sufficiency.

The FSS Act of 2007 addresses this problem and places the FSS program back on its original path as a proven approach for helping families in the Housing Choice Voucher program lift themselves out of poverty and achieve their dream of education, entrepreneurship or homeownership in a safe, viable way.

We also support the Section 8 Voucher Reform Act of 2007 (SEVRA), H.R. 1851, voucher reform legislation, that proposed similar changes to the FSS administrative funding process and also makes critical improvements to the overall Section 8 voucher program. By stabilizing funding for the Section 8 voucher program, SEVRA not only allows the voucher program to run more efficiently and effectively but ensures that funding is available for the asset-building escrow accounts provided through FSS.

Together, the FSS Act and SEVRA can help restore the strength to the Section 8 voucher program, the nation's leading source of housing assistance for low-income people and a critical base for the FSS program.

Again, we thank you for the introduction of the Family Self-Sufficiency Act of 2007 and for your continued support of the FSS program. We look forward to your continued leadership in support of FSS and the Section 8 voucher program.

Sincerely,

AMERICAN ASSOCIATION OF SERVICE COORDINATORS.
CORPORATION FOR ENTERPRISE DEVELOPMENT.
NATIONAL HOUSING CONFERENCE.
NEW AMERICA FOUNDATION.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 46, "The Family Self-Sufficiency Act of 2009." This bill expresses the importance of providing payment for an administrative fee to public housing agencies to cover the cost of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development.

Housing choice vouchers allow low-income families to choose and lease or purchase safe, decent, and affordable privately-owned rental housing. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. Housing choice vouchers are administered locally by public housing agencies (PHAs). The PHAs receive federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program.

A family that is issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental

units must meet minimum standards of health and safety, as determined by the PHA. A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by the PHA, a family may use its voucher to purchase a modest home.

Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family size and is limited to U.S. citizens and specified categories of noncitizens who have eligible immigration status. In general, the family's income may not exceed 50 percent of the median income for the county or metropolitan area in which the family chooses to live. By law, a PHA must provide 75 percent of its voucher to applicants whose incomes do not exceed 30 percent of the area median income.

Since the demand for housing assistance often exceeds the limited resources available to HUD and the local housing agencies, long waiting periods are common. In fact, a PHA may close its waiting list when it has more families on the list than can be assisted in the near future.

PHAs may establish local preferences for selecting applicants from its waiting list. For example, PHAs may give a preference to a family who is (1) homeless or living in substandard housing, (2) paying more than 50 percent of its income for rent, or (3) involuntarily displaced. Families who qualify for any such local preferences move ahead of other families on the list who does not qualify for any preference. Each PHA has the discretion to establish local preferences to reflect the housing needs and priorities of its particular community.

When the voucher holder finds a unit that it wishes to occupy and reaches an agreement with the landlord over the lease terms, the PHA determines a payment standard that is the amount generally needed to rent a moderately-priced dwelling unit in the local housing market and that is used to calculate the amount of housing assistance a family will receive. However, the payment standard does not limit and does not affect the amount of rent a landlord may charge or the family may pay. A family which receives a housing voucher can select a unit with a rent that is below or above the payment standard. The housing voucher family must pay 30 percent of its monthly adjusted gross income for rent and utilities, and if the unit rent is greater than the payment standard, the family is required to pay the additional amount. By law, whenever a family moves to a new unit where the rent exceeds the payment standard, the family may not pay more than 40 percent of its adjusted monthly income for rent. The PHA calculates the maximum amount of housing assistance allowable. The maximum housing assistance is generally the lesser of the payment standard minus 30 percent of the family's monthly adjusted income or the gross rent for the unit minus 30 percent of monthly adjusted income.

The family self-sufficiency (FSS) is a HUD program that encourages communities to develop local strategies to help voucher families obtain employment that will lead to economic independence and self-sufficiency. Public housing agencies work with welfare agencies, schools, businesses, and other local partners to develop a comprehensive program that gives participating FSS family members the skills and experience to enable them to obtain employment that pays a living wage. FSS was established in 1990 by section 554 of the National Affordable Housing Act. It is a successor program to project self-sufficiency and operation bootstrap. FSS program services may include, but are not limited to: child care, transportation, education, job training and employment counseling, substance/alcohol abuse treatment or counseling, household skill training, and homeownership counseling.

For the most part, PHAs must rely on their own or other local resources to operate FSS programs. However, under the authority of annual appropriations acts, HUD has been able to provide some funding for FSS program coordinators to assist PHAs in operating housing choice voucher FSS programs. With this act, the secretary shall establish a fee for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8. A public housing agency serving 25 or more participants in the family self-sufficiency program under this section shall receive a fee equal to the costs of employing one full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee. An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families. An agency that received funding from the Department of Housing and Urban Development for more than three such coordinators in any of fiscal years 1999 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards. For the first year in which a public housing agency exercises its right to develop a family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to one family self-sufficiency coordinator, based on the size specified in its action plan for such program.

The family self-sufficiency program will truly benefit those who really need a helping hand out of poverty. However, there needs to be monetary assistance given to the Department of Housing and Urban Development so that they might hire the needed staff to maximize the use of federal funds and improve the lives of others. The family self-sufficiency act will ensure that these objectives are met. I urge my colleagues to join me in supporting "The Family Self-Sufficiency Act of 2009."

Mrs. BIGGERT. With that, I have no further speakers, and I yield back the balance of my time.

Mr. BACA. Mr. Speaker, first of all, I would like to thank again JUDY BIGGERT for her leadership in preventing homelessness. I urge my colleagues to support H.R. 46, the Families Self-Sufficiency Act of 2009.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 46.

The question was taken.

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

Mr. BACA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RAISING THE CASE OF ROBERT LEVINSON WITH IRAN

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 36) calling on the President and the allies of the United States to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity, urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on the Government of Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 36

Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation, a resident of Florida, the husband of Christine Levinson, and father of their 7 children;

Whereas Robert Levinson traveled from Dubai to Kish Island, Iran, on March 8, 2007;

Whereas, after traveling to Kish Island and checking into the Hotel Maryam, he disappeared on March 9, 2007;

Whereas neither his family nor the United States Government has received further information on his fate or whereabouts;

Whereas March 9, 2009, marks the second anniversary of the disappearance of Robert Levinson;

Whereas the Government of Switzerland, which has served as the Protecting Power for the United States in the Islamic Republic of Iran in the absence of diplomatic relations between the Government of the United States and the Government of Iran since 1980, has continuously pressed the Government of Iran on the case of Robert Levinson and lent vital assistance and support to the Levinson family during their December 2007 visit to Iran;

Whereas officials of the Government of Iran promised their continued assistance to the relatives of Robert Levinson during the visit of the family to the Islamic Republic of Iran in December 2007; and

Whereas the Government of Iran, including through a statement made during an interview with NBC News broadcast on July 28, 2008, has declared that its officials are willing to cooperate with the Federal Bureau of Investigation in the search for Robert Levinson: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the Embassy of Switzerland in Tehran, Iran, and the Government of

Switzerland for the ongoing assistance to the Government of the United States and to the family of Robert Levinson, particularly during the visit by Christine Levinson and other relatives to Iran in December 2007;

(2) notes that Iranian officials ensured the safety of the family of Robert Levinson during their December 2007 visit to Iran, and have promised their continued assistance;

(3) urges the Government of Iran, as a humanitarian gesture, to intensify its cooperation on the case of Robert Levinson with the Embassy of Switzerland in Tehran and to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation;

(4) urges the President and the allies of the United States to raise at every opportunity in all appropriate multilateral and bilateral fora the case of Robert Levinson; and

(5) expresses sympathy to the family of Robert Levinson during this trying period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this very important resolution, and I yield myself such time as I may consume.

Mr. Speaker, last month, President Obama delivered a very important video message to the Iranian people and to Iran's leaders, coinciding with Iran's Festival of Nowruz, a 12-day holiday marking the new year.

Mr. Speaker, I support President Obama's spirit of engagement, and I share his view that the United States and the international community should try to persuade Iran, through both diplomacy and economic sanctions, to comply with its legal obligations under the Nuclear Non-Proliferation Treaty and under numerous United Nations Security Council resolutions.

Mr. Speaker, Mr. Robert Levinson, a retired agent with the Federal Bureau of Investigation, disappeared in Iran over 2 years ago. There is no better time than now, in the spirit of engagement with Iran, for the Government of Iran to share the results of its investigation into Mr. Levinson's disappearance with the FBI. Indeed, the Iranian President Mahmoud Ahmadinejad, in an interview with NBC on July 28, 2008, stated that the Iranian Government was willing to cooperate with the FBI in the search for Mr. Robert Levinson. Iranian officials also promised their continued assistance to his relatives during the Levinson family's visit to Iran in December of 2007.

This resolution under consideration urges President Obama and our allies to raise the case of Mr. Levinson with the Iranians at every opportunity. Indeed, this process has already begun. During a March 31 conference in The Hague, Ambassador Richard Holbrook handed an Iranian diplomat a diplomatic letter asking Tehran to ensure the quick and safe return of Mr. Levinson, as well as freelance journalist Roxana Saberi and student Esha Momeni, both of whom are being held in Iran. The resolution also urges the Government of Iran to fulfill its pledge to cooperate with the FBI. Both of these requests are more than fully appropriate.

Mr. Speaker, our hearts go out to the Levinson family. And we remain deeply committed to learning Mr. Levinson's fate in Iran and, if possible, hopefully returning him home safe and sound.

□ 1415

I strongly support this resolution, and I urge all my colleagues to do likewise. And I want to thank the gentleman from Florida (Mr. WEXLER) for introducing this resolution.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, over 2 years after disappearing on Kish Island in Iran, Robert Levinson, who my colleague has just described as a U.S. citizen and a resident of Florida, remains missing. During that time, the regime in Iran has continually obstructed efforts by the United States Government to investigate Mr. Levinson's disappearance. As Senator BILL NELSON stated on January 13 of this year at a hearing of the Senate Foreign Relations Committee, in Iran ''the door has been closed at every single turn.''

Mr. Levinson is a 28-year veteran of the FBI and the Drug Enforcement Administration. He and his family, including his wife and seven children, deserve our every effort to determine his status and hopefully to secure his freedom and safe return home. Therefore, I strongly support House Concurrent Resolution 36, which urges the Iranian Government to intensify its cooperation on Mr. Levinson's case, with the Swiss Embassy in Tehran, and to share the results of its investigation with the FBI.

This legislation also urges the President and U.S. allies to raise Mr. Levinson's case in all appropriate multilateral and bilateral forums and expresses our sympathy to Mr. Levinson's family during this very difficult and trying time.

I thank my good friend and colleague Mr. WEXLER, the chairman of the House Foreign Affairs Subcommittee on Europe, for introducing this resolution.

This is the kind of thing, Mr. Speaker, that everybody in the world ought to be concerned about. We have a young reporter who has disappeared over there and is unaccounted for. Mr. Levinson is unaccounted for. This Government of Iran should join the family of nations and start being like everybody else and admiring and living up to the human rights that we all respect and admire.

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

Mr. SCOTT of Georgia. Mr. Speaker, this is a very important and timely resolution. As we have spoken to it, I think we all see its urgency, its humanitarian nature, and the very important challenge to the people of Iran and the leaders of Iran to do the right thing in this case.

Mr. WEXLER. Mr. Speaker, I introduced House Concurrent Resolution 36 earlier this year to shed light on my constituent from Coral Springs, Florida, Robert Levinson, who disappeared from Iran's Kish Island on March 9, 2007. More than two years later, there are disturbingly few known details about his whereabouts.

What we do know, however, is that Mr. Levinson, a former FBI agent, was last heard from on March 8, 2007 by his wife Christine, while he was working in Dubai as a private investigator. According to his family, he checked into a hotel on Kish Island and checked out the following morning to fly back to the United States. Unfortunately, Mr. Levinson never arrived at the airport for his flight, and there is no accounting for what happened to him after he left the hotel.

In December 2007, the Levinson family, with assistance from Swiss officials in Tehran, traveled to the hotel where Mr. Levinson was last seen and passed out flyers in Farsi with his photo. They also met with local Iranian authorities to seek their assistance in gaining information about Mr. Levinson's disappearance. The authorities in Iran pledged to assist the Levinson family in their efforts to determine Robert's whereabouts and to investigate the circumstances surrounding his disappearance. Despite its pledge, the government of Iran has not followed through on its promises to the Levinson family. In fact, the Iranian government has stonewalled any effort to gain pertinent information—claiming they have zero knowledge about Mr. Levinson's whereabouts.

I want to praise the decision of the Obama Administration to raise Mr. Levinson's case directly with the Iranian government. During last week's hearing in the House Foreign Affairs Committee, I raised Mr. Levinson's disappearance with Secretary of State Clinton, and she confirmed that Mr. Levinson was mentioned in a letter delivered by Ambassador Holbrooke to Iranian officials at The Hague and reiterated her unwavering commitment to press this issue at every opportunity.

While I am certain that Secretary Clinton and the Obama Administration will make every attempt to bring Mr. Levinson's home, it is critical that Congress express its unequivocal support for her efforts and send a clear statement that the Administration must employ every diplomatic tool at its disposal to locate Mr. Levinson and return him to the United States.

House Concurrent Resolution 36 calls on President Obama and allies of the United States around the world to engage with officials of the Government of Iran to raise the

case of Robert Levinson at every opportunity. It also urges officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson, and calls upon Iran to share the results of its investigation into his disappearance with the FBI. Passage of this resolution sends a clear signal that the Congress stands with the Levinson family and believes all efforts should be exhausted to ensure Robert Levinson is found and brought home safely.

I want to once again express my unwavering solidarity and backing for the Levinson family and offer all of my support in their efforts to return Robert Levinson home. I urge all of my colleagues to support the passage of this resolution.

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

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 36, as amended.

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

The title was amended so as to read: ''A concurrent resolution calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation''.

A motion to reconsider was laid on the table.

MOURNING VICTIMS OF GUATEMALA LANDSLIDE AND COSTA RICA EARTHQUAKE

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 76) mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 76

Whereas, on January 4, 2009, millions of tons of earth fell onto a road in the Alta Verapaz area north of Guatemala City, Guatemala;

Whereas it is suspected that a geological fault triggered the movement of earth, sending 10,000,000 tons of mud and rock down a hillside onto a road that runs from San Cristobal Verapaz to Chicaman, north of Guatemala City;

Whereas at least 36 people were confirmed dead and up to 60 were missing, many of whom are coffee workers in the region;

Whereas rescue organizations, volunteers, and agencies from throughout Guatemala had been working at the site until danger of another landslide shut down the operation;

Whereas, on January 8, 2009, at 1:21PM, a 6.1 magnitude earthquake shook the Capital region of San Jose, Costa Rica, including the areas of Sarapiqui, Varablanca, and Poasito;

Whereas the earthquake's epicenter was 20 miles from San Jose at a depth of 21.7 miles and the shaking continued for 40 seconds;

Whereas 23 individuals were confirmed dead, over 100 were treated for injuries, and nearly a dozen went missing, including many buried by the resulting landslides;

Whereas 518 homes were destroyed to the point where they were uninhabitable, 26 kilometers of road were unusable, and 61 communities were affected;

Whereas roads, businesses, government buildings, and the popular tourist sites at the Poas Volcano and the La Paz waterfalls were severely damaged; and

Whereas Guatemala and Costa Rica have been frequently impacted by significant natural disasters, including those in the aftermath of Hurricane Stan in Guatemala in 2005 that led to hundreds of deaths: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) mourns the terrible loss of life caused by the landslide that occurred on January 4, 2009, in Guatemala and the earthquake on January 8, 2009, in Costa Rica;

(B) expresses its deepest condolences to the families of the many victims; and

(C) applauds the prompt humanitarian responses to these natural disasters by the Governments of Guatemala and Costa Rica; and

(2) it is the sense of the House of Representatives that it should be the policy of the United States to—

(A) continue technical assistance to Central American governments in order to strengthen their capacity at the national, provincial, and local levels in the area of disaster management coordination and preparedness, including implementing information and communications systems to help with the response to natural disasters; and

(B) work closely with the governments of these countries to improve disaster mitigation techniques and compliance among all key sectors of their societies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, first I want to thank Congressman DAN BURTON for introducing this very important and timely resolution, which mourns the terrible loss of life caused by two natural disasters that occurred 4 days apart in Central America in January of this year. The first was a landslide that occurred on January 4, 2009, in Guatemala. The second was an earthquake on January 8, 2009, in Costa Rica.

The resolution before us conveys the deepest condolences of Congress to the families of the victims and urges that the United States Government maintain technical assistance to Central American countries regarding disaster management and mitigation.

On January 4, 2009, millions of tons of earth fell onto a road in the Alta Verapaz area, north of Guatemala City in Guatemala. Apparently, a geological fault triggered the movement of earth, sending 10 million tons of mud and rock down a hillside onto a road that runs from San Cristobal Verapaz to Chicaman, north of Guatemala City. At least 38 people were confirmed dead and up to 60 were missing, many of whom were coffee workers in the region.

Four days later, on January 8, 2009, a 6.1 magnitude earthquake shook the capital region of San Jose, Costa Rica. The earthquake's epicenter was 20 miles from San Jose at a depth of 21.7 miles, and the shaking continued for 40 seconds. Twenty-three individuals were confirmed dead, over 100 were treated for injuries, and nearly a dozen went missing, including many buried by resulting landslides.

Guatemala and Costa Rica have been frequently impacted by significant natural disasters including those in the aftermath of Hurricane Stan in Guatemala in 2005 that led to hundreds of deaths.

I agree wholeheartedly that it should be the policy of the United States to continue technical assistance to governments in the region at the national, provincial, and local levels in the area of the disaster management coordination. It is also essential that the United States take a long-term view with its regional partners and help them improve disaster mitigation techniques.

Mr. Speaker, I urge my colleagues to support this very important and necessary and timely resolution.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Georgia, DAVID SCOTT, for cosponsoring this resolution.

I think everybody in this body is very concerned about the tragedies that befall human beings here and around the world.

As my colleague said, this past January two significant natural disasters wreaked havoc on the Central American nations of Costa Rica and Guatemala and took a terrible and destructive toll on people in these communities.

In Guatemala, as coffee workers were returning from long days of work in the Alta Verapaz region, thousands of

tons of mud and rock fell in a landslide. As a result of this catastrophe, the nation mourned the deaths of as many as 36 while over 60 are still missing.

Only 4 days later, a 6.1 magnitude earthquake shook the capital region of Costa Rica, resulting in the destruction of over 500 homes and the deaths of at least 20.

I join my colleagues today to express my sincere sympathy and our sincere sympathy and support to our Latin American friends who have suffered as a result of these disasters. I would like to commend the courage and perseverance of the Costa Rican and Guatemalan Governments, along with the private citizens and relief organizations who worked tirelessly in the rescue effort. The prompt humanitarian response carried out in the aftermath of these disasters clearly contributed to the ability of these nations to overcome the damage wrought by these two tragedies.

As I said before, I would like to thank Mr. SCOTT for cosponsoring this, and I would like to thank our chairman, Mr. BERMAN, and our ranking member, ILEANA ROS-LEHTINEN of Florida, for helping move this important resolution to the floor. And, again, we extend our heartfelt condolences to the Guatemalan and Costa Rican people and their families who suffered as a result of these horrible disasters.

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

Mr. SCOTT of Georgia. Mr. Speaker, I certainly again want to commend Mr. BURTON for showing the leadership and at the same time showing the greatness of America, which has always been the timely response to other nations in their moment of great need and crisis.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 76, "Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities." I would like to thank my colleague, Representative DAN BURTON, for introducing this legislation.

Natural disasters are one of the most difficult things to deal with as a nation. As a Representative of Houston, TX I have seen devastation and heartbreak come from devastating natural disasters. Our city alone has faced and returned stronger after natural disasters like tropical storm Allison, as her waters flooded our streets and entered our homes. Within the past few years the people of the 18th Congressional District of Texas dealt with damage and evacuation troubles when shortly after a storm called Katrina ripped through the homes of our neighbors, Hurricane Rita threatened our city and our lives. Most recently, we had the electricity taken from our city, roofs stripped from our houses, and windows shattered into our livings rooms. Because of Hurricane Ike our city has seen the impact of horrific situations before and after natural disasters ravage through our streets. These challenges, although largely difficult to recover from, already would have been virtually impossible to recover from had the Federal Government not assisted.

The landslides in Guatemala claimed the lives of more than 30 people and caused destruction to many in this small country. The unfortunate loss of these men and women shall not only be remembered here today as we acknowledge this House resolution, but should be remembered everyday as the people of Guatemala try to recover from the devastation caused by this event. These events take time to recover from and in time just as the sadness fades the recovery will begin in this region.

Just like the people of Guatemala the people in Costa Rica did not expect the ground to start shaking bringing buildings to the ground. With over 14 lives claimed and dozens of people still missing the people of Costa Rica have been devastated by the effects the earthquake has brought them. The 6.2 magnitude earthquake shook the lives of all the people living in Costa Rica and like the people of Guatemala the wounds will take time to heal.

I have experienced firsthand the devastation of events like these and understand the difficulty in recovering from them. These people deserve all the help they can get. It is our moral responsibility to assist in any way we can in helping these countries rebuild. Supporting H. Res. 76 is a big step in helping these devastated nations. That is why I support H. Res. 76, "Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities" and I urge my colleagues to do so as well.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 76, as amended.

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

The title was amended so as to read: "A resolution mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica.".

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 109) supporting the mission and goals of 2009 National Crime Victims' Rights week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 109

Whereas 25,000,000 individuals in the United States are victims of crime each year, including over 6,000,000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas our Nation must do more to ensure that services are available for underserved segments of the population, including crime victims with disabilities, victims with mental illness, and victims who are teenagers, elderly, or from urban and rural areas or communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas the people of the United States recognize that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas 2009 marks the 25th anniversary of the enactment of the Victims of Crime Act of 1984 ("VOCA"), the hallmark of the Federal Government's recognition of its commitment to supporting rights and services for victims of all types of crime through the establishment of the Crime Victims Fund, that is paid for by criminal fines and penalties, rather than by taxpayers' dollars;

Whereas, since its inception, the Crime Victims Fund has collected more than $9,000,000,000 from offender fines and penalties to be used exclusively to help victims of crime;

Whereas VOCA supports direct assistance and financial compensation to more than 4,000,000 victims of crime every year;

Whereas VOCA's imaginative transformation of offender fines into programs of victim rehabilitation has inspired similar programs throughout the worldwide crime victims' movement;

Whereas the theme of 2009 National Crime Victims' Right Week, celebrated April 26, 2009, through May 2, 2009, is "25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act", which highlights VOCA's significant achievements and contributions in advancing rights and services for all crime victims; and

Whereas National Crime Victims' Rights Week provides an opportunity for the Nation to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs;

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

House Res. 109 supports the goals and mission of National Crime Victims' Rights week, which is being celebrated this week, April 26 through May 2, 2009. The 2009 National Crime Victims' Rights week theme is ''25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act.''

Mr. Speaker, each year for the last 25 years, the Office of Victims of Crime in the Department of Justice has observed National Crime Victims' Rights week along with individuals and communities across the country. Victims' rights and crime victims are honored with rallies, candlelight vigils, and other commemorative events.

This week in April is an important time to increase public awareness about the needs and concerns of the 25 million victims and survivors of crime each year, of which over 6 million are victims of violent crimes.

During National Crime Victims' Rights week, people are asked to take time out to acknowledge the impact that crime has on families, individuals, and communities by ensuring that resources and services are available to help crime victims rebuild their lives.

We would also like to acknowledge the 25 years of contributions that the Office of Victims of Crime has made to supporting victims of both violent and nonviolent crime. A major aspect of the office's work has been the creation and supervision of the Crime Victims Fund. This fund is paid for by criminal fines and penalties and supplemented with general tax revenue as needed. Over the last 25 years, the Crime Victims Fund has collected more than $9 billion from offender fines and penalties, which is used solely to assist crime victims. Each year these funds support direct services and financial compensation to more than 4 million victims of crime.

This week is also a time to make a commitment to providing more resources and services to crime victims who live in underserved areas such as urban and rural areas. This is also time to pay special attention to victims of crime who suffer from physical and mental disabilities in addition to child and senior citizens who may be victims of crime.

Mr. Speaker, we should be doing more to invest in crime prevention and therefore reducing the number of victims, but meanwhile this resolution gives us the opportunity to celebrate victims' rights and their dignity. We should ensure that victims are treated with the dignity and respect that they deserve, and doing that will promote a fair and just criminal justice system. For these reasons, Mr. Speaker, I urge my colleagues to support this important resolution.

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

□ 1430

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague and friend Mr. COSTA from California as an original sponsor of this resolution to recognize and support the mission and goals of National Crime Victims' Rights Week. Together, Mr. COSTA and myself chair the Congressional Victims' Rights Caucus. The caucus is comprised of Members from both sides of the aisle who are dedicated to protecting the interests and needs of crime victims throughout our country. Crime victim issues are not partisan. They are nonpartisan issues, Mr. Speaker, and affect everyone in this country.

In 1980, President Ronald Reagan first called for a national observance to recognize and honor the millions of crime victims and those survivors in this country. Since then, Victims' Rights Week has been proclaimed annually with ceremonies and observances here in Washington, D.C. and thousands of communities throughout the Nation.

Each April, the Office for Victims of Crime, called the OVC, organizes a weeklong series of activities and rallies to increase public awareness of the rights, the needs and concerns of crime victims in the United States. The theme of this year's National Crime Victims' Rights Week is ''25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act.''

In 1984, the Victims of Crime Act, called VOCA, created the VOCA fund, a Federal victims compensation account funded by fines assessed in Federal criminal convictions. This is a collection of criminal fines, not taxpayer dollars.

The way it works, Mr. Speaker, criminals convicted in Federal Court contribute into a fund, as I say paying for the crimes they have committed, paying rent on the courthouse, and that fund is used exclusively for victims and victims' services throughout the United States. It is not a taxpayer-funded fund; it is a fund solely funded by criminals. What a novel idea: Make criminals pay to the victims of crime, victims that many of them have caused to be victims in the first place.

Also the Victims of Crime Act establishes the Office for Victims of Crime to distribute those funds throughout the United States. In fact, with the help of the OVC, there are now 10,000 victim assistance programs providing emotional, financial, physical and spiritual support every day. All of these organizations owe to some extent their existence because of the VOCA funds that were established by Congress many years ago.

VOCA is the only Federal fund that caters to the needs of victims. Each year, about 4,400 agencies and almost 3.5 million victims receive support and financial compensation from this fund funded by criminals. Just to clarify, this money that is collected is used to help victims and their families.

This year, during National Crime Victims' Rights Week, we celebrate that the VOCA fund has been assisting victims for over 25 years and has distributed literally billions of dollars since its inception. Currently there are $6.5 billion in this fund, funds that will be given to victims and victims services. It is important that we as Members of Congress make sure that the bureaucrats, however, don't see this fund and take the fund and use it for other services in the United States that have nothing to do with victims.

While the events of this week provide excellent opportunities to focus on victims' rights, this issue requires attention by Members of Congress so that the VOCA fund is not taken by the bureaucrats and used for other purposes.

Last month, four police officers in Oakland, California, Dan Sakai, 35, Mark Dunakin, 40, John Hege, 41, and Ervin Romans, 43, were shot to death by a 27-year-old parolee. Earlier this month, an armed man walked into a New York Immigration and Naturalization service center and shot 17 people, killing 13 and wounding four others.

The National Center For Victims of Crime reports that during 2008 a child was reported abused or neglected almost every 35 seconds. In my home State of Texas alone, there were more than 83,000 separate allegations of abuse or neglect confirmed by Child Protective Services.

Crime victims, Mr. Speaker, are not statistics. They are real men, women and children with families and loved ones, and those victims who manage to survive the acts of violence must not be excluded from the criminal justice system. Their voices must be heard, and in honor of every victim, we renew our commitment to protect the rights of crime victims and provide them effective assistance programs, and we also commend the countless professionals and volunteers who have dedicated literally their lives to help victims and survivors of crime.

I urge my colleagues to support this resolution.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the chief sponsor of the legislation who, along with Mr. POE, introduced

this important resolution, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I want to thank the gentleman from Virginia for his leadership and his support for this important House Resolution, H. Res. 109, which I rise today to introduce.

As has been stated by my colleagues, this resolution supports the mission and goals of National Crime Victims' Rights Week, to designate this week, April 26 to May 2, as National Crime Victims' Rights Week. Congressman TED POE and I introduced this resolution on behalf of our fellow Victims' Rights Caucus members who have been supportive of our efforts over the last 4 years.

As was noted, in 1980 President Reagan first called for the national observance to recognize and honor the millions of victims and their families and survivors who have been victims, sadly, of crime in America.

This year, we mark the 25th anniversary of the enactment of the Victims of Crime Act of 1984, better known as VOCA. This legislation has supported rights and services for crime victims for the last 25 years, and quite successfully. It has done it without the use of a single dime from American taxpayer dollars.

The Victims of Crime Act, the VOCA funds, are supported by fines and penalties that come from the criminals who have perpetrated these crimes. These funds are used by State and local organizations to help people through their difficult time periods after experiencing a crime that they have been victimized by. There are over 4,400 agencies across the country which depend upon VOCA funding. These agencies serve near in excess of 3.5 million crime victims each year, sadly.

This resolution also honors the lives that have been rebuilt over the last 25 years as a result of all the good efforts by these local agencies throughout our country. These are millions of people working in victim organizations who have dedicated their lives to assisting people through these terrible, terrible time periods, and each and every one of them I think deserves a thank you from all of us as Members of Congress.

When I arrived in Washington, Congressman POE and I discovered that there was not a caucus that was dedicated for the purpose of recognizing those victims of crime. So Congressman TED POE and I decided to form a new bipartisan congressional caucus that would provide a louder voice for all the advocacy groups who advocate on behalf of victims of crime.

The Congressional Victims' Rights Caucus, of which I am proud to be a cochair of, frankly, has done a lot of good efforts over the last 4 years, and we encourage Members who are listening and their staff who are not members of this bipartisan congressional caucus that you join our efforts.

We have three simple goals. The first is to represent crime victims in the United States through bipartisan introduction of legislation that reflects the interests, rights and needs of victims of crime. Two, our goal is to provide an ongoing forum for proactive discussion between Congress and national victims' assistance organizations to enhance mutual education and legislation advocacy and initiatives which promote justice for all, including the victims of crime. Three, to seek opportunities for public education initiatives to help people in the United States understand the impact of crime on victims and to encourage their involvement in crime prevention, which is the best sort of effort we can possibly do. An ounce of prevention, as we all know, is worth a pound of cure. And also to provide victim assistance and community safety throughout our neighborhoods across this great land of ours.

I want to thank again the gentleman from Virginia. I want to thank Congressman TED POE, my cochair of the caucus, for all of your efforts on behalf of Members who work on behalf of those who are victims of crime.

Finally, my fellow colleagues, crime, as we know, knows no boundary, knows no demographic, or congressional district boundary. Sadly, crime affects in some capacity all Americans at some point in life.

When our families, when our friends and when our neighbors are in need of assistance after a crime, they should not be met with a closed door, but they should be met with open arms. We all have a responsibility. This is not simply the domain of local law enforcement agencies, which play a tremendous role, but we as Americans all have a responsibility to help out in our communities.

So I want to thank those members of the Congressional Victims' Rights Caucus, I want to thank those who support this resolution, H. Res. 109, and encourage all of my colleagues to support important legislation that we will pursue in the 111th Congress.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman from Virginia for leading this resolution, but also I do want to thank my friend from California, Mr. COSTA, for not only sponsoring this legislation, but for his hard work nationally on victims' rights and the movement. He literally started the victims' rights movement in California, the State that we owe a lot to for the victims' right movement when he was in the State legislature there in California, and he has brought his passion to help victims of crime to the United States Congress, and we are all better for that.

Last week in honor of National Crime Victims' Rights Week, the Victim's Rights Caucus, as Mr. COSTA mentioned, had several preliminary events. One was the fourth annual Victim's Rights Caucus awards ceremony.

At the awards ceremony last Wednesday night, Mr. COSTA and myself joined other Members of the House, Mr. SHADEGG from Arizona, Mr. YARMUTH from Kentucky and Mr. REICHERT from Washington in honoring six outstanding victim advocates and victim programs.

Mr. Speaker, I include for the RECORD the names and the awards of these six recipients.

2009 VICTIMS' RIGHTS CAUCUS AWARDS RECIPIENTS

(1) Suzanne McDaniel Public Awareness Award—Katherine Cabaniss. Ms. Cabaniss is the Executive Director of Houston Crime Stoppers. As a former Assistant District Attorney, she has a passion for preventing and fighting crime. During her time with Crime Stoppers, Ms. Cabaniss has built strategic alliances with people and organizations who assist victims of crime, including local school districts, apartment property management companies, and women's shelters. She has strengthened Crime Stoppers relationship with the media, and in doing so, has used her voice to promote safe communities and justice for victims of crime. Cabaniss was nominated by Representative Ted Poe (TX–02).

(2) Ed Stout Memorial Award for Outstanding Victim Advocacy—Alliance Against Family Violence and Sexual Assault. The Alliance represents everything that Mr. Stout worked so hard for during his work on behalf of crime victims and survivors. They are a nonprofit, grassroots organization that since 1979 has provided support and services to victims of domestic violence and sexual assault in Kern County and the surrounding area. These services are free, and are bilingual, which serves Kern County's diverse ethnic background. Their strong focus on assisting victims of violence against women in rural areas is remarkable. The Alliance Against Family Violence and Sexual Assault was nominated by Representative Jim Costa (CA–20).

(3) Ed Stout Memorial Award for Outstanding Victim Advocacy—Sheryl Cates. Ms. Cates has spent the last 25 years advocating for victims of domestic violence at all levels. As Executive Director at Women's Protective Services in Lubbock, TX, Ms. Cates worked directly with victims as well as supervising staff who provide services to victims. Also, as CEO of the Texas council on Family Violence, National Domestic Violence Hotline and loveisrespect.org National Teen Dating Abuse Helpline, Ms. Cates is recognized nationally as an expert in the field of domestic violence and as someone who can be counted on to participate in any efforts to support the needs of victims and their families. Cates was nominated by Representative Lamar Smith (TX–21)

(4) Lois Haight Award of Excellence and Innovation—Steve Twist. Mr. Twist has worked tirelessly to ensure that every jurisdiction in America provides victims with rights in the criminal justice system and that those rights are enforceable by the individual victim. He has worked as counsel to the Navajo Nation, aiding in the drafting of various victim provisions, and is the principal author of the Arizona constitutional amendment for victims' rights and the Arizona Victims' Rights Implementation Act, which together are the strongest victims' rights legal provisions in the country. Mr. Twist was nominated by Representative John Shadegg (AZ–03)

(5) Eva Murillo Unsung Hero Award—Jenny Wieland Ms. Wieland's 17 year old daughter and only child was murdered by another teen in 1992. She turned her pain into purpose and has worked tirelessly to reduce youth violence, in hopes that other mothers

would not have to experience the loss of a child to a violent crime. In 1994, Jenny Wieland became a founding board member of Mothers Against Violence in America (MAVIA). In early 1995, she left a career as an insurance broker to become MAVIA's Program Director and first employee. During her seven-year tenure with MAVIA, she helped create and implement MAVIA's many national and local programs, including the acclaimed Washington State model of Day of National Concern About Young People and Gun Violence, which encourages young Americans in classrooms and communities across the country to sign the Student Pledge Against Gun Violence. Currently, Wieland is serving as Executive Director of Families and Friends of Violent Crime Victims in Washington State. Wieland was nominated by Representative Dave Reichert (WA–08)

(6) Allied Profession Award—Michael Davis, President of Appriss, Inc. Mr. Davis is the cofounder and president of Appriss, the provider of local, state and federal automated victim information and notification services and automated victim protection order services. In 1994, Mary Byron was murdered on her 21st birthday by her former boyfriend who was in jail in Louisville, Kentucky. Mary and her parents asked to be notified if and when he was released, which did not happen. In response to this preventable tragedy, Davis and his partner created VINE® (Victim Information and Notification Everyday), which provides confidential, around-the-clock notifications to victims about the status of their offenders. VINE keeps crime victims and survivors informed and involved in their cases, in turn promoting personal and community safety. Today, Appriss provides VINE and related services to more than 75% of our nation. States participating in the Statewide Automated Victim Information and Notification (SAVIN) grant program have entrusted Appriss as their technology provider. Davis was nominated by Representative John Yarmuth (KY–03).

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to a strong supporter of victims, a former law enforcement officer, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

I would like to thank my colleague, Mr. COSTA, for introducing this resolution. As a former Escanaba City police officer, a Michigan State police trooper and as an attorney, I saw every day the effect of crime on our citizens. Crime leaves its victims feeling unsafe in their own communities and vulnerable to the often complicated judicial system.

As the cochairman of the Law Enforcement Caucus, I know that when a crime is committed, our law enforcement agencies work hard so the criminal is brought to justice. But there is another part to the equation. The victim of crime must be provided with assistance and support to recover from this often traumatic experience.

Our law enforcement agencies work with the court system to ensure that victims of crime are treated fairly and with respect to one's dignity and privacy. We must step up to the plate and show our strong commitment to the criminal justice system by ensuring that victims of crimes feel safe in their own communities.

The creation of the National Crime Victims' Crime Week is a good first step to increase public awareness of the rights and needs of victims of crime. Congress should go even further by ensuring the legal protections are in place to protect victims of crime.

During the National Law Enforcement Week in May, I will introduce an amendment to the United States Constitution to protect the rights of all victims. I hope you will join me in ensuring our Constitution explicitly supports the rights of victims of crime.

I urge my colleagues to vote in favor of House Resolution 109 to create the National Crime Victims' Rights Week of 2009 and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

Mr. POE of Texas. Mr. Speaker, it is because of the pioneering efforts of many, including President Reagan and his 1982 Task Force on Victims of Crime, that we are able to celebrate the 25th anniversary of the Victims of Crime Act. We must remember that the same Constitution that protects the rights of offenders protects the rights of victims of crime in this country as well.

I urge all my colleagues to join me in supporting in resolution.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from California, the gentleman from Texas, as well as the gentleman from Michigan, for their work on behalf of victims of crime, and I urge my colleagues to support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 109, supporting the mission and goals of 2009 National Crime Victims' Rights week to increase public awareness of the rights, needs, an concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984. I thank Congressman COSTA, Congressman POE, Congresswoman MATSUI, Congressman MARCHANT, and Congressman MORAN for introducing this meaningful resolution which recognizes and acknowledges the over 25 million individuals that are victims of crimes each year in this country. I urge my colleagues to support this resolution. As members of Congress, we need to acknowledge the impact of crime on individuals, families, and communities and we need to ensure that rights, resources, and services are available to help rebuild lives.

This resolution is important because while our nation has steadily, and rightfully, expanded rights, protections and services for victims of crimes, too many victims are still not able to realize the hope and promise of the gains. Our country must do more to ensure that services are available for underserved segments of the population, including crime victims with disabilities, victims with mental illness, and victims who are teenagers, elderly, or from urban and rural areas or communities of color. According the National Center for Victims:

One person is murdered every 31 minutes.

One person is raped every 1.9 minutes.

One person is assaulted every 36.9 seconds.

One home is burglarized every 18 seconds.

One woman is victimized by an intimate partner every 52 seconds.

One child is reported abused or neglected every 34.9 seconds.

One person is killed in an alcohol-related crash every 40.4 minutes.

One person becomes a victim of identity theft every 4.9 seconds.

One elderly person is victimized by a violent crime every 4.2 minutes.

We must observe victims' rights and treat victims with dignity and respect and engage them in the justice system, which will also further gain respect for public authorities and promote confidence in public safety. The people of this country will be safer and stronger by serving victims of crime and ensuring justice for all.

It is necessary that we, as members of Congress, mark the anniversary of the enactment of the Victims of Crime Act of 1984. This Act is the hallmark of the Federal Government's recognition of its commitment to supporting rights and services for victims of all types of crime through the establishment of the Crime Victims Fund. This fund is paid by criminal fines and penalties, not tax payer dollars. The fund has collected more than $9 billion from offender fines and penalties to be used exclusively to help victims of crime. These funds have aided the more than 4 million victims of crime a year. The money provides medical care, counseling and funeral costs. This act has encouraged other programs to also transfer offender fines into help for victim rehabilitation.

The theme of the 2009 National Crime Victim's right Week, celebrated April 26–May 2, 2009 is "25 years of Rebuilding Lives: Celebrating the Victims of Crime Act". This theme highlights the Act's significant achievements and contributions in advancing rights and services for all crime victims. This week will provide an opportunity for the nation to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological and social impact of crime.

I encourage my colleagues to pass this resolution so that we can increase the public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims of crime. This resolution will recognize the 25th anniversary of the enactment of the Victims of Crime Act of 1984. It will also direct the clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

In Harris County, within the 18th District of Texas, which I proudly represent, the Houston Mayor's Crime Victims Office has a saying, "Crime victims are the only unwilling participants in our criminal justice system; everyone else chooses their own roles. Victims' rights are often a mere courtesy, while defendants' rights—and rightfully so—are protected in our Constitution. Victims' rights deserve the same protection." While Harris County is fortunate to have some of the Nation's finest victim service organizations, such as the Houston Area

Women's Center, Parents of Murdered Children, AVDA, MADD and Family Time, as well as victim liaisons staffed from our criminal justice partners it is far from immune from crime. The Harris County Victim Witness Division, alone, assisted over 30,000 victims of crime last year and helped them receive $16.9 million in restitution.

I have been and continue to be an advocate for victims of crime most importantly with my latest legislation, H.R. 262, the David Ray Ritcheson Hate Crime Prevention Act which I also introduced in the 110th Congress. I twice sponsored a resolution expressing the sense of Congress that the people of the United States should grieve for the loss of life that defined the Third Reich and celebrate the continued education efforts for tolerance and justice, reaffirming the commitment of United States to fight against intolerance and prejudice in any form, and honoring the legacy of transparent procedure, government accountability, the rule of law, the pursuit of justice, and the struggle for universal freedom and human rights. Additionally, I sponsored H.R. 5610, in the 109th Congress, the Foreign Anti-Sex Offender Protection Act of 2006. I have co-sponsored numerous bills that benefit victims of crimes.

Nobody wants, or deserves, to be a victim of crime. I urge my colleagues to pass this Resolution and acknowledge and support these unfortunate victims.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 109.

The question was taken.

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

Mr. SCOTT of Virginia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The 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.

The point of no quorum is considered withdrawn.

□ 1445

SUPPORTING NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 104) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 104

Whereas on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the gentlelady from Wisconsin (Ms. BALDWIN), as well as the gentleman from Texas (Mr. POE), for introducing this important resolution, and I rise in support to acknowledge the impact that sexual assault has on its victims and to promote education about and prevention of sexual assault.

This resolution highlights the immense problem of sexual assault in the United States. A person is sexually assaulted in the United States every 2½ minutes. Almost 18 million women, 1 in 6, have been victims of rape or attempted rape, and almost 3 million men, 1 in 33, have also been victims.

Sexual assault also harms the society. Medical expenses, lost productivity, treatment of psychological trauma and pain and suffering cost victims roughly $127 billion per year.

It can also lead to long-term health problems such as chronic pain and headaches and stomach problems and sexually transmitted diseases, and can leave victims with emotional issues which can lead to depression and even suicide.

Designating April to be Sexual Assault Awareness and Prevention Month is an important step in recognizing the problem. Highlighting and focusing on this issue gives us the opportunity to educate the public and allows us to praise the survivors, as well as the volunteers and professionals who have dedicated their lives to combating sexual assault.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume, Mr. Speaker.

I'm pleased to join my Judiciary Committee colleague, the gentlelady from Wisconsin (Ms. BALDWIN) as an original sponsor on this resolution. I want to thank her for her efforts in presenting this to Congress. I would like to thank her for reintroducing House Concurrent Resolution 104 to recognize April as National Sexual Assault Awareness and Prevention Month.

Every 2½ minutes a person is sexually assaulted in the United States. Sadly, 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape. Two-thirds of these assaults are committed by someone that is actually

known by the victim, and yet, only about 40 percent of sexual assaults are ever reported to law enforcement authorities.

Sexual Assault Awareness Month attempts to change these startling statistics by promoting education programs, victims support services, advances in DNA and forensics technology, and aggressive prosecution and incarceration of sexual assault offenders.

National Sexual Assault Awareness and Prevention Month helps to educate the public about sexual assault in our communities and the long-term effects that it has on its victims.

It also recognizes the work of staff and volunteers at rape crisis centers and other community organizations across the country that provide counseling and victims support services to sexual assault survivors.

With education and community support, it is my hope that more victims will pursue prosecution of their attackers by reporting their assaults to law enforcement. Once victims take this first critical step, it's up to lawmakers and law enforcement to ensure that these violent offenders are put away.

Last Congress, both the House and the Senate passed H.R. 5057, reauthorizing the Debbie Smith DNA Backlog Program. The legislation was then signed into law on October 8, 2008.

The Debbie Smith program, originally authorized in 2000, awards grants to State and local governments to reduce the DNA backlogs of samples collected from crime scenes and the backlog for entry into the national DNA database. Through these grants, State and local governments received funding to test approximately 104,000 DNA cases between 2004 and 2007.

These grants have also funded the collection of 2.5 million DNA samples from convicted offenders and arrestees for inclusion in the national DNA database. The Department of Justice estimates that over 5,000 ''hits'' or matches are the result of this DNA backlog reduction. This is a positive step forward, but we must continue our efforts to reduce the DNA backlog to provide justice for sexual assault victims and put their attackers behind bars.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have no other requests for time, and I will reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, in this sterile environment of the Halls of Congress, sometimes we forget that sexual assault is a crime that is committed against people in this country, a crime that most of them never really get over.

In my experience as a prosecutor and a judge for 22 years, I came in contact with numerous sexual assault victims, some of which never could quite handle and cope with the fact that they had been a victim of a crime, especially this crime, because, you see, when the offender commits a sexual assault against someone else, that offender is trying to steal the very soul of that victim. And sometimes victims cannot recover from that, emotionally or physically. That is why this legislation is important and that we, as Members of Congress, do our duty and be the advocates for those victims that have silent voices throughout this country.

And that's just the way it is.

I yield back the remainder of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from Texas (Mr. POE), as well as the chief sponsor of the resolution, the gentlelady from Wisconsin (Ms. BALDWIN), for their hard work on the issue of sexual assault.

I urge my colleagues to support the resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Con. Res. 104, which supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I was the lead Democratic sponsor of the original legislation to designate April as National Sexual Assault Awareness and Prevention Month, which was introduced by former Representative Mark Green and signed into law in 2003. I am proud to have been a part of that initial effort, which has grown into a nationwide campaign to raise public awareness regarding sexual violence, prevent future crimes, and provide crucial services to victims of rape and sexual assault.

Even as we shine a spotlight on this issue throughout the month of April, it is important to remember that preventing sexual assault must be top priority every month of the year. A 2000 study by the National Institute of Justice and the Centers for Disease Control and Prevention found that 18% of women in the United States have been raped in their lifetimes, yet we know that only about 6% of women who have been raped will ever see their attacker spend a day in jail.

I have long been a champion of domestic and international women's issues, and preventing violence against women has been one of my top priorities since my very first day in Congress. That is why I wrote ''The Debbie Smith Act,'' signed into law in 2004 to improve the investigation and prosecution of sexual assault cases with DNA evidence. DNA evidence is crucial to getting rapists off the streets, and yet across the country, thousands of unprocessed DNA evidence kits are gathering dust. Each one of these represents a victim who has been denied justice, and a rapist who is free to commit more crimes. With this legislation, the huge backlog of rape kits is finally being processed.

In 2008 I introduced H.R. 5057, ''The Debbie Smith Reauthorization Act,'' which was signed into law, and which extends the Debbie Smith DNA Backlog Grant Program through FY 2014. The bill also reauthorizes several critical programs which provide training and education for criminal justice and medical personnel in the use of DNA evidence. I am pleased to have been joined by Chairman CONYERS and Ranking Member SMITH of the Judiciary Committee in introducing that important legislation.

It is vitally important that we continue these efforts to reduce the DNA backlog crisis in our nation's crime labs. Equally imperative are efforts to support the Violence Against Women Act by fully funding the organizations, shelters, and counseling centers which provide the crucial victim services which help women escape dangerous situations and begin new lives free from violence and fear.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 104 ''Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.'' I want to thank my colleague Congresswoman, TAMMY BALDWIN of Wisconsin for introducing this legislation.

This Resolution echoes the goals and ideals of the National Sexual Assault Awareness and Prevention Month, namely to increase public awareness of the occurrence and the effects of sexual assault and to improve our nation's overall ability to prevent new incidents.

This important resolution will help to bring an end to the deplorable rapes, molestations, and sexual assault that occur across America. Violent crime and sex offenses are a fact of life which can be targeted for prevention through a combination of education, public awareness, as well as identifying and monitoring known offenders in the community.

Mr. Speaker, there are no greater crimes that an individual can commit than the crimes of sexual molestation and sexual assault. The perpetrators of these crimes rob victims of their innocence. Moreover, victims of sexual assault are profoundly affected for the rest of their lives. As elected officials, we have an obligation to condemn this violence, work for stronger enforcement of the law and provide adequate funding for programs to assist individuals who may have experienced such abuse.

I urge my colleagues to fight against these heinous crimes. Sexual assault can e verbal, visual, or anything that forces a person to join in unwanted sexual contact or attention. Examples of this are voyeurism (when someone watches private sexual acts), exhibitionism (when someone exposes him/herself in public), incest (sexual contact between family members), and sexual harassment. It can happen in different situations, by a stranger in an isolated place, on a date, or in the home by someone you know.

The negative impacts of sexual assault go beyond the physical trauma of the attack itself. The victims suffer psychological trauma, emotional scarring, shame, the stigma of being victimized, and the destruction of their dignity.

Unfortunately, sexual assault is an issue that has plagued the nation. In my home state of Texas, nearly 2 million adult Texans, or 12.6% of the population, have been sexually assaulted, and more than half of all sexual assaults are committed against children under age 18. An estimated 82% of rapes go unreported. The vast majority of rape victims—nearly 80%—know the person who rapes them.

In Texas, 6 out of 10 adults and more than half of teenagers say sexual assault is a personal worry. A third of Texan adults say sexual assault is one of their biggest worries. While a majority of Texans says the state takes sexual assault seriously, 76% believe the state should take the issue more seriously.

Many Americans have only a surface understanding of what constitutes sexual assault,

and more than a quarter of Americans are very misinformed about its parameters. It will take more than just stronger prevention and enforcement of the law to prevent sexual molestation and other forms of sexual assault. In order to end this serious epidemic that has plagued America, all segments of the community such as parents, educators, religious leaders, and community leaders must create a nurturing environment us to live comfortably.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 104 "Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month."

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 104.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1500

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 365 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 365

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of April 28, 2009, providing for consideration or disposition of a conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Madam Speaker, H. Res. 365 permits same-day consideration of a rule providing for consideration of the conference report on the budget resolution, S. Con. Res. 13.

This budget is a critical document and comes at a critical time in our country. We all know this budget is a blueprint of the priorities of the Obama administration and this Democratic Congress. This budget sets the framework for most of the legislation that we will consider this year—everything from the annual spending bills to improvements in education to health care reform to deficit control.

I'm not surprised that my friends on the other side of the aisle aren't pleased with this budget. Republicans voted against the recovery package, and now they are going to oppose this budget.

It's no secret that the Republicans have fundamental differences in the way they would govern this country. But that's why we have elections, Madam Speaker, and the American people spoke loud and clear about what they want their country to stand for. And those principles are set in this budget.

Madam Speaker, this budget must be adopted in order for this Congress to start working on the agenda the American people want us to enact. I am proud to support this budget.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

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

Mr. DREIER. I thank my very good friend from Worcester for yielding me this customary 30 minutes.

Madam Speaker, I have to say that I am really somewhat puzzled as to why it is that we are here debating a same-day rule for consideration of the Federal budget's conference report. As we all know, a same-day rule is a mechanism to circumvent House rules in order to hastily cram through legislation.

Why in the world would the Democratic leadership want to rush through passage of the Federal budget? I recognize that same-day rules have taken place when either party has been in the majority, but why in the world would the Democratic leadership want to do this, Madam Speaker, for the Federal budget?

As I say, we often use this procedure when the government might run out of money. Well, although we know, as of last Sunday, April 26, we saw the deficit day actually created, Debt Day created, as of Sunday, we ran out of money. We now are in deficit spending as of today.

Last year that date was August 4. We spent all of our money up until August 4 of last year. This was last Sunday, the 26th of April. So we are now into borrowed money. But as we all know, Madam Speaker, our appropriations bills that we have passed for this calendar year exist until the next fiscal year begins.

Is there some hard and fast deadline that needs to be met under the Budget Act? The budget resolution should have been completed by April 15. The Democratic leadership wasn't in a hurry when that deadline came and went, and there is no new deadline at all that needs to be met right now.

Maybe, Madam Speaker, Congress is getting ready for a prolonged congressional recess, a district work period. Well, the next recess, as we all know, is about a month away. We are supposed to be working here for another 4 weeks.

Now, Madam Speaker, I ask maybe, just maybe it's the end of a very long, hard workweek of ours here, and we want to complete action before a long 3-day weekend, except today is Tuesday, and there is plenty of time to get this done before we finish legislative business on Thursday. So why, Madam Speaker, are we denying Members and the public the chance to read this budget, a budget, which as we all know now, at least we know the outside numbers, spends $17.8 trillion.

We have been listening to people over the past several weeks talk about what the number a trillion is. Somebody was saying it totals 31,000 years, longer than recorded history, in seconds. I mean, it's just amazing to contemplate that in this budget it is $17.8 trillion over a 5-year period of time.

The only thing that I can figure out, Madam Speaker, is that tomorrow marks the conclusion of the President's first 100 days. Now, this is a milestone the press has observed since Franklin Delano's Roosevelt's presidency. It's a very symbolic moment that every President understandably likes to highlight.

The problem rises, Madam Speaker, when his party cares more about symbolism and photo opportunities than taking the power of the purse, our constitutional responsibility here in the people's House, and taking that seriously. We have a profound responsibility to spend the taxpayers' money wisely.

During a time of great economic challenges, when every working family is trying to make every penny count, the responsibility here for us to deal with those tax dollars as wisely as possible is even greater. I would hope that the Democratic leadership would care more about fiscal responsibility than a photo opportunity.

Unfortunately, this is not a new pattern for the House Democratic leadership. Just a few weeks ago we turned the process upside down to try to pass the GIVE Act so that it could be signed by the President just before he left for Europe.

Now, cooler heads did prevail, but it looks like we are headed down that exact same path now. This photo opportunity deadline in the first 100 days is leading us to not go through the regular order for consideration of this budget conference report.

Now I understand why they would like to pass their budget prior to the completion of the first 100 days. And in many ways, Madam Speaker, it is a very, very clear definition of what it's about.

My friend from Worcester talked about the fact that elections have consequences, the people have spoken, and this is what they want? Well, I have got to say that from what I have heard from my constituents and from what I have seen in polling that has been done across the country, and as I have participated in telephone town hall meetings and heard my colleagues from both sides of the aisle talking about this, including the President's cabinet meeting, when he has now been referring to the fact that we need to focus on restraining spending, I clearly don't believe that a budget that is $17.8 trillion of spending over the next 5 years is what the American people want or wanted when they cast their votes last November.

But I will say that if you look at the first 100 days, this is a clear, clear signal of what it is that we have gotten in this 100 days. And it would make a very nice press story, I know, to have this accomplished from their perspective by the completion of the 100 days.

I do believe that there are things that are much more important than press conferences and photo opportunities. The Federal budget happens to be one of them. The Democratic majority should, I believe, take taxpayers' money and the spending of that more seriously than has been done in this budget or what we have seen with the stimulus bill, the 1,100-page bill that we dropped on a table around here and pointed out very widely that people hadn't read.

Both the President and the majority promised that Members would be able to read the bills we are voting on. I remember when candidate Obama talked about that throughout the campaign. We have had the Speaker of the House regularly point to that.

Nowhere, Madam Speaker, is that more important than when we are in the midst of debating the Federal budget. The last time, we all know this very well, because we have seen amazing gymnastics take place around here, the last time we rushed through a major piece of legislation like this is the one I just referred to, and it was the so-called economic stimulus bill. And that was when we discovered the Federal Government was enabling bonuses for companies funded by the U.S. taxpayer.

Now, I ask, as we look at this $17.8 trillion package over the next 5 years, what's in this budget, Madam Speaker, that the Democratic leadership does not want us to read?

So, Madam Speaker, I urge my colleagues to reject this same-day rule. We need to proceed under regular order for consideration of this budget process, and I personally believe that we should do everything within our power to completely overhaul this badly flawed budget structure that we have.

So reject this rule, go at least through regular order, and I hope very much the Democratic leadership will fulfill its constitutional obligations with both responsibility and accountability.

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

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

Madam Speaker, it's a little difficult to hear lectures from a member of the other party, the party that inherited from Bill Clinton a record surplus and then over the next 8 years presided over an economy that turned that surplus into a record deficit, that ruined, that forced this economy into the ditch that we are now trying to dig ourselves out of.

I want to apologize to the gentleman for the Democratic leadership's desire to actually accomplish something, to get things done. That's exactly what we are trying to do here. We have done enough talking. There has been enough speechifying. The American people voted for action. They voted for change. They voted for a new direction.

They didn't vote for more speeches. They didn't vote for more obstructionism. They didn't vote for more of the same of what we had over the last 8 years.

On this budget, just so it's clear, we had more than 14 hours of markup in the Budget Committee. I was there, because I am also on the Budget Committee.

We had a full debate on the House floor. Four substitute amendments were made in order. People had an opportunity to vote for budgets to the left and to the right and everything in between. So there was ample time for discussion. We had an open conference meeting.

The gentleman is going to have over 24 hours to read the budget. Now, for someone who hasn't read the budget, he is spouting out a lot of facts and figures. But he is going to have over 24 hours to read what the conference committee produced, because we are not going to vote on the budget until tomorrow.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Let me make a couple of points here. First, as my friend began, he said that it was difficult for someone who was part of increasing deficits over the past 8 years under President Bush to stand here lecturing on this issue.

Well, I have to stay, Madam Speaker, that it's very, very convoluted, I believe, to say that we criticized the spending that took place under President Bush. And I will acknowledge we could have done better, even though, with the exception of Defense and Homeland Security, we were able to bring about real dollar spending cuts in every appropriation bill for the last few years.

But I will say that it's convoluted to conclude that if we want to criticize what took place then, we quadruple the size of the deficit and the national debt, which is exactly what this budget does.

Mr. MCGOVERN. I reclaim my time, Madam Speaker.

I appreciate the gentleman's commentary. The fact of the matter is that we are in such trouble right now that in order to get out of this ditch, in order to get out of this terrible debt that we are in, we are going to have to grow our economy, which means in the short term we are going to have to invest in our people and invest in our country.

That is the rationale behind the Democratic budget, behind the budget that President Obama has put forward. But, look, one thing is clear, Madam Speaker, the same old, same old is not what the people want. And for the last 8 years, the Republicans and President Bush have driven this economy into a direction that people have rejected soundly during this last election.

□ 1515

At this time, Madam Speaker, I would like to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Budget Committee.

Mr. SCOTT of Virginia. Madam Speaker, the gentleman from Massachusetts mentioned the fact that, over the last few years, we'd gotten ourselves into the ditch. This shows the ditch that we're actually in.

In 1993, we passed a budget that dug ourselves out of a ditch and created surpluses, as far as I could see. In fact, in 2001, when we came into session, we had a surplus sufficient to put us on track to paying off the entire national debt held by the public by last year. Instead, we had a complete collapse of the budget beginning in 2001, and there is no telling where this line is going to end up. It took 8 years to get into this ditch.

During the good years when we had fiscal responsibility, not only were we on the way to paying off the national debt, but we created record numbers of jobs. We had a median income increase of about $7,000 per family, and the Dow Jones Industrial Average more than tripled. Now we have a situation where we have had the worst job performance since the Great Depression, where the median income is actually down when adjusted for inflation and where the Dow Jones Industrial Average is worse than it was when it started. It took us 8 years to get into this ditch.

We have an urgent situation. This budget will cut the deficit in half in 4 years. Now, that is not the end of it. That's not enough. Cutting the deficit in half is not enough, but for one year's work, that is certainly a good step toward getting us out of a ditch that took 8 years to get us into.

Now we have a situation where the new budget will restore PAYGO, that

is, that any new program will have to be paid for. The reason we could get it in this kind of ditch was we passed tax cuts that we hadn't paid for, and we had spending that wasn't paid for. But under this budget, any new initiative will have to be paid for, and that's going to be hard. We're talking about energy initiatives. We're talking about health care initiatives and education initiatives that will be very expensive, but none of them can go into effect unless they're paid for with other spending cuts or with tax increases. Everything will be paid for. This is in stark contrast to what happened in 2001 when we didn't pay for anything. We went right into a ditch, and we didn't create any jobs.

It is urgent that we pass this budget to get back on the track that we were on in 1993 when the budget created jobs, when the median income was up, when the economy was good, and when we were on the way to paying off the national debt, instead of the ditch we're in today where we have had, in the last 8 years, the worst job performance since the Great Depression and huge deficits as far as the eye can see. We're taking a major step in the right direction.

So, Madam Speaker, I would hope that we would adopt the budget so we could get on to the job of restoring the economy and of balancing this budget.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I would like to congratulate my good friend from Virginia, Mr. SCOTT, for in the chart that he had before us it illustrated the fact that the economic downturn actually began in the last quarter of the Clinton administration, and that chart correctly points to that. So I congratulate my friend for recognizing that. It was the policies put into place in 2001 and in 2003 that brought about 55 months of uninterrupted job creation and economic growth and a dramatic increase in the flow of revenues because of the growth-oriented tax policies that we did, in fact, implement.

I also would point to the fact, and while my friend proceeds to malign the Bush administration, that it's obviously very clear, too, that we as Republicans had the majority when we saw the economic growth that took place in the late 1990s.

I'd be happy to yield to my friend Mr. SCOTT.

Mr. SCOTT of Virginia. Thank you. I thank the gentleman for yielding.

Is it not a fact that the job performance during the 8 years of the Bush administration was the worst since the Great Depression?

Mr. DREIER. If I could reclaim my time, the answer to that is ''no.'' The answer to that is ''no.'' To say that job creation during President Bush's administration was the worst since the Great Depression, I have no idea where that number comes from. I do know this: We saw 55 months of continued job creation and economic growth because of the policies that were implemented in 2001 and in 2003, which were growth-oriented tax cuts.

With that, I would like to yield 3 minutes to my very good friend from Lafayette, Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend for yielding.

Madam Speaker, I stand in opposition to the rule that led to this budget proposal.

Let me just say that, first of all, this Congress is facing some very grave challenges, along with the President, and I think the President has rightfully singled out health care, energy and education as areas that have to be addressed with substantive reform, but I have to say that I vehemently disagree with the prescribed approach. Let's look at a couple of points here.

First of all, let's take energy. This energy proposal lays out a prescription for singling out a number of serious oil and gas tax increases, at the very minimum, totaling $31.5 billion. Now, this is going to devastate an industry, a domestic oil and gas industry—independent companies, not the big companies like ExxonMobil and Shell and others that do work overseas but, rather, those independent companies that work in the Gulf of Mexico and that supply a major source of oil and gas energy for the United States and for every single American family.

What does this mean for the average family? They're going to pay higher gas prices at the pump. They're going to pay higher costs in electricity. Also, we're going to see massive job loss.

Now, we did have hearings, yes. Oh, we had hearings. I sit on the Ways and Means Committee. I remember Secretary Geithner coming in front of us. I asked him: How many jobs will this budget kill? He could not answer the question. I asked: Do you realize that the oil and gas industry employs about 1.8 million people in the United States with about 6 million additional jobs associated with this industry? A lot of these jobs are going to be killed; we're going to lose them, and they don't come back right away. This is at a time when our energy dependence on foreign oil is serious.

What is our transition strategy as we try to get to a green economy? Well, it's natural gas. Well, guess what? Thirty-five percent of the natural gas used in this country comes from wells that were drilled within the last 2 years. The rig count is now down over 50 percent since September. Do the math. We're going to see higher gas prices.

So I have to say, if the Secretary comes before the committee and offers this budget proposal but cannot answer simple questions such as ''What is going to be the impact on unemployment across multiple sectors?'' that's a serious concern.

The CBO. I asked the same questions of the Director of the CBO and got the same answer. They have not done the analysis. Well, I think that's incomplete work.

Don't you think we need more information as to what the impact of this budget is going to be on unemployment and on jobs if it's implemented in its entirety? We're talking about good, high-paying jobs. I'm not talking about white-collar executive jobs. I'm talking about pipe fitters, electricians, painters, people who work on boats, across-the-board manufacturing jobs, small manufacturing companies that do fabrication and so forth. These are serious jobs.

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

Mr. DREIER. Madam Speaker, I would like to yield my friend 1 additional minute.

Mr. BOUSTANY. This is a serious issue. It needs to be well-thought-out. Throw on top of those specific tax increases that are proposed on the oil and gas industry this massive cap-and-trade proposal which is still not well-thought-out, and of course, we have more work to do on it, obviously.

I have to say the American people deserve to know what this is going to do in terms of job loss. They really deserve to know, and they deserve to know what this is going to do to the cost of electricity in their hometowns and what it's going to do to the cost of gasoline at the pump and what it's going to cost in heating oil and so forth. That is information we ought to have.

So, before we start proposing these types of expansions of taxes that are going to kill jobs, that are going to create higher unemployment and that are going to run up the costs, we're talking about a recipe for more borrowing, for more spending and higher taxes.

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

Just so that the record is clear—and this is according to The Wall Street Journal—as for jobs created per year in Office, George W. Bush was the worst since the Great Depression. Let me read them.

Jobs Created Per Year in Office: Truman, 1.1 million; Eisenhower, 438,000; Kennedy, 1.2 million; Lyndon Johnson, 2.3 million; Nixon, 1.7 million; Ford, 745,000; Carter, 2.6 million; Reagan, 2 million; Bush I, 625,000; Clinton, 2.9 million; George W. Bush, 375,000.

This is the very conservative Wall Street Journal, hardly a paper of liberal ideas and thoughts.

Mr. DREIER. Will the gentleman yield on that point?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

I suspect that that was a news story and not necessarily an editorial. I seriously question those numbers, but I would ask my friend the following:

As we look at this issue of accountability and responsibility, I would remind him that this economic downturn, the slowing economy that we've

witnessed, began after my friend's party won the majority. I would ask my friend, if I might, Madam Speaker, if he feels that accountability and responsibility should lie not solely with the President of the United States but also with the party in power here in this institution.

I thank my friend for yielding.

Mr. MCGOVERN. Madam Speaker, I reclaim my time.

I would say to the gentleman that I not only hold President Bush accountable for the last 8 years and for the disastrous economy that we now have, but I also hold accountable the Republican leadership in Congress, which voted for some of the worst economic policies that have literally driven this country into debt and into a ditch.

At this time, Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Budget Committee.

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

Mr. ANDREWS. Madam Speaker, I would like to thank my friend from Massachusetts for yielding.

First, Madam Speaker, the consistent reference to the so-called ''cap-and-trade policy'' from the other side is not in the budget. That will be debated another day. It is not here.

My friend from California talks about the number of months that there was job growth in the prior administration. Madam Speaker, I think most Americans are worried about the number of months they've been out of work and about the number of months until their unemployment benefits expire, and this budget is a part of addressing that concern.

Shortly after taking office, this President signed an economic stimulus law, the benefits of which are now being seen in communities around the United States as construction workers go to work, as first-time home buyers get help with their down payments, hopefully as more cars and trucks are sold, as people can deduct their sales tax, as schools are given more opportunities not to lay off teachers, lunch aides and other personnel.

The President also put forth a long-term economic proposal that we're addressing today in this budget. It's not the number of months that President Bush did this or that. It's other questions about how many months people have been without health insurance. This budget puts us on a track to finally deal with that problem and to get health care costs under control for all Americans and to get coverage for the 47 million who do not have it. This budget, in a very robust way, talks about helping to pay for college education. It will make the largest investment in college and technical training in the Nation's history as a result of what is in this budget.

The gentleman is concerned about the process by which this is being done. We're concerned about the process by which it wasn't done in the previous 8 years.

Now, having said that, if anyone wants to read the budget, it's on the Internet. Read it. If someone is concerned about the lack of alternatives from the minority, there were dozens of amendments when the committee worked on this budget. Mr. MCGOVERN and I were part of that. There were two full alternatives from the minority that were debated on the floor a couple of weeks ago when the minority had a chance to set forth its views, and those views were considered.

So we think there is a problem with the timing of these plans. We think the American public shouldn't have to wait 8 years for someone to finally address health care and education and the budget deficit, which is cut by two-thirds under this budget. The process is right. The plan is right. The right thing to do is to vote ''yes.''

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I would say to my very good friend from New Jersey that it's interesting to listen to his argument. I've heard the President of the United States. I've heard the Democratic leadership—Speaker PELOSI and Leader REID—and Democrats all the way across the board say that the Republican Party is simply the party of ''no,'' that they have no ideas, that they have no proposals that they come forward with. I do appreciate the fact that my friend has acknowledged that, in the markup in the Budget Committee and here on the House floor, there were both amendments and alternatives brought forward.

Now, it is true that those ideas were rejected by a vote here in this House, but what we're debating right now is whether or not we should have a same-day rule which proceeds with the consideration of a measure that does not, in fact, give the appropriate amount of time. This package, this conference report, was filed at 11:37 p.m.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield to my friend.

Mr. ANDREWS. Is the gentleman aware of the fact that the vote on this is tomorrow?

Mr. DREIER. I do understand that the vote on this is scheduled for tomorrow, but right now, we are debating a same-day rule that allows for the consideration of this.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. If I could reclaim my time, the fact is that this measure was filed at 11:37 p.m., and we were told, up until just a short time ago, that we had to do this same-day rule because we were going to be voting on this measure today. So it was not until just the last moment that we found that the debate will take place throughout today and this evening but that the actual vote will take place tomorrow.

So I don't know exactly what has led to this, if it's an awakening about the notion of some kind of fairness and about the idea of allowing for greater deliberation; but I've got to say, Madam Speaker, that this budget, which dramatically increases, as we all know, the size of the deficit is a budget which, I don't believe, the majority of the American people supported or wanted when they came forward.

□ 1530

The American people are hurting.

I will say, Madam Speaker, that I represent the Los Angeles area part of San Bernardino County. We have an unemployment rate that is well into double digits now both in the Los Angeles area, the Inland Empire. People are hurting. They very much want us to take action to get the economy back on track.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. I will yield in just a moment if I can complete my thought.

There are many Democrats who I know in southern California who have indicated to me that when they voted for President Obama, for Barack Obama to become President of the United States, they had no idea that we would see this kind of dramatic transformation—which is something that he talked about—of government that is tripling, quadrupling the size of the government and the national debt.

And it is not just my constituents. There are a number of very thoughtful people who have come forward in the past 4 weeks. They include the likes of Stuart Taylor who writes regularly for the National Journal. He describes himself as an Obama-friendly centrist, and what he has said is that this dramatic surge to the left—which is exactly what this Obama budget does which is being supported by Speaker PELOSI and the Democratic leadership—is really beyond the pale. And there are a number of other people who have been very supportive of the President up to this point who have demonstrated clear disappointment in this kind of direction.

With that, I am happy to yield to my friend.

Mr. ANDREWS. I thank my friend.

So my friend is acknowledging, is he not, that Members who wish to read the budget will have over tonight to do that before there is a vote tomorrow, correct?

Mr. DREIER. If I could reclaim my time, Madam Speaker, the answer to that is no. When is it that the debate will take place on this issue?

I am happy to yield to my friend.

Mr. ANDREWS. The debate is starting today and concluding tomorrow. The conclusion of debate will be tomorrow.

Mr. DREIER. If I could reclaim my time, this bill was filed at 11:37 p.m. last night, just about midnight, and we are standing here at this moment debating something that I guess really isn't necessary.

The fact is what we have done is we've thrown out standard procedure

for one reason and one reason only: not because the government is about to run out of money, not because we've got an important recess upon us, not because it's the end of the week, but simply because we want a photo opportunity for the completion of the first 100 days of this Presidency.

I understand that optics are important. I recognize that. But I do believe that since we have begun already at this moment the debate on this budget conference report, merely hours—12, 13, 14 hours—after it was filed last night, you can say that the vote is going to take place tomorrow but Members who might want to have the chance to debate, deliberate and think about this issue are not going to have the allocated time to read this.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield.

Mr. ANDREWS. How many of the gentleman's Members from his side are here to deliberate and debate this right now, out of curiosity?

Mr. DREIER. If I could reclaim my time, Madam Speaker, we are at this moment debating this convoluted, unnecessary same-day rule. We are here to debate whether or not we should proceed with consideration of the budget conference report under a totally unnecessary same-day rule.

We have had some very thoughtful remarks by my friend from Lafayette, and I know if my friend would like me to send someone to the cloakroom to call the lode of Republicans to come over and engage in this debate, I know that there would be many more who would join us.

The fact is we have begun this process prematurely. We are not being provided what was promised by the Speaker of the House on her opening day and promised by Barack Obama when he was a candidate to be President of the United States, and that is an adequate amount of time to deliberate over this process.

With that, I reserve the balance of my time.

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

Let me apologize to the gentleman, again, for him getting what he wants. The Democratic leadership promised 24 hours for Members to be able to review this bill before there was a vote. They are going to get more than 24 hours. Let me also point out to the gentleman when he talks about this kind of unpopularity of President Barack Obama's ideas and his budget, maybe he hasn't seen the recent polls. By a 56 percent to 32 percent margin, Americans believe that the Obama budget sets the right priorities.

I think what is difficult for the gentleman to accept and members of his party is that the people have spoken. The people have had it with Bush economics. They've had it with the Republican priorities of the last 8 years. They want a change. This budget represents a change, and they are going to get it.

Mr. Speaker, I would like to yield 3 minutes at this time to the gentleman from Virginia (Mr. CONNOLLY), a member of the Budget Committee.

Mr. CONNOLLY of Virginia. I thank the gentleman.

Madam Speaker, I rise today in support of the conference report for the concurrent resolution on the budget for fiscal year 2010. The previous administration left us with a tremendous challenge to overcome the largest budget deficit ever, the highest unemployment rate in 25 years, housing values in freefall, consumer confidence at record lows. This budget encapsulates a bold vision for making crucial investments in righting our economy and helping our working families.

I am pleased that, at my request, the budget reflects an investment in our Federal workforce, including parity between civilian and military Federal employees. Pay parity ensures equitable treatment for all Federal employees.

I applaud the conference report's increase in the level of funding for international affairs, Madam Speaker. Defense Secretary Robert Gates said in July, under the Bush administration, ''It has become clear that America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long.'' Secretary Gates understands, and understood then, the value of diplomacy as a national security tool and we would be well served to support that critical investment. I am delighted the conference report has added back funds for the 150 Function.

This budget is transformative and provides for the critical investments in America that have been neglected for too long. Deficit reduction, middle-income tax relief, health care reform, education and energy independence are the linchpins of this budget.

With this budget, we will cut in half the current deficit of more than $1 trillion, most of it inherited from President Bush. It would further reduce that deficit by 2014 by two-thirds. This budget reduces non-defense discretionary spending over the next 10 years to its lowest level as a percentage of the gross domestic product in almost a half a century.

This budget supports the middle class by expanding the child tax credit, maintaining the elimination of the marriage tax penalty, carrying forward the Making Work Pay tax credit, maintaining the estate tax and capital gains tax reductions and ensuring that the alternative minimum tax does not hit the millions of working Americans in danger otherwise of being affected.

This budget supports meaningful health care reform. During the last 8 years, the number of Americans without health insurance increased from 13.7 percent to 15.3 percent of the population at the same time health care costs were skyrocketing. Under this budget, Madam Speaker, we will be able to offer health care to the 46 million Americans currently without insurance.

This budget invests in energy independence and promotes a clean energy economy creating jobs. Increasing our investment in energy efficiency and renewable energy technologies will promote America's energy independence and safeguard our environment.

In recognition of the critical role that education plays in our economic productivity, this budget also builds upon the classroom support provided in the Recovery Act. From enhancing Head Start and other early childhood learning opportunities to making college more affordable through Pell Grants, this budget will prepare our children to become productive, contributing members of the global economy.

This budget is the product of the hard work of Chairman SPRATT, Chairman CONRAD in the other body, and the budget conferees; and it carries forward the bold investments in America that President Obama has promised this country.

I urge my colleagues to support the conference report.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I am glad my friend from New Jersey has remained here on the floor.

First of all, I have just got to say that on this notion that we somehow are doing this in a very fair way, my time travel skills have become a little rusty of late, and I will say that the bill was filed at 11:37 last night, and a number of us are just starting to read it, the conference report, that is. I don't know whether we're going to have the vote today or tomorrow, but the fact is we are debating it today. So Members should have an opportunity to do that.

Now my friend began his remarks in the well by saying that this conference report has no mention whatsoever of the issue of cap-and-trade.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield.

Mr. ANDREWS. That is not what I said. I said that the conference report does not enact cap-and-trade.

Mr. DREIER. If I could reclaim my time, Madam Speaker, I will say that during the debate that we had on the budget process, we regularly had Members say that there was no mention of this whatsoever. I know. I managed the rule when we had the first budget. I am just saying that a number of Members did, in fact, on the other side of the aisle make that very clear during debate.

What I would like to do is commend to my colleagues sections 302 and 323 of this conference report, both of which make mention of that.

I would like to yield 30 seconds to the hardworking member of the Ways and Means Committee, the gentleman from Lafayette, Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I appreciate the gentleman yielding.

I think it's important to recognize that this budget proposes to enact cap-and-trade legislation. It's one of the assumptions in the budget.

The gentleman from Massachusetts mentioned that the American people have spoken about this, but I want to remind him that, again, there are a lot of unanswered questions about the inherent proposals in the budget, such as the impact on unemployment based on some of the assumptions in this budget.

I've got data from the oil and gas industry that shows pretty devastating results across the board on the gulf coast and in manufacturing in other States around the country as a result of the assumptions in this budget.

Mr. DREIER. I thank my friend.

Madam Chair, let me just say that as interesting as we regularly have the finger of blame pointed at Bush, what President Obama has inherited came from President George W. Bush and, Madam Speaker, as you know very well, a Democratic majority here in the House of Representatives.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

I would say to my friend from California that the Democratic majority with a Democratic President will demonstrate to the gentleman what we believe in and will enact it.

With respect to the issue of cap-and-trade, the two sections that are referenced in the budget conference report say this: If the Congress enacts cap-and-trade legislation, then the budget numbers will be adjusted to reflect that being enacted. If this conference report passes, there will be no limit on carbon enacted. There will be no revenues raised to enforce that limit. It simply says that if the Congress in subsequent consideration does that, then, in fact, the budget would be adjusted.

The minority has consistently frankly used a number of tax increase per household that the authors of the study on which they rely have said was a misrepresentation.

Mr. DREIER. Madam Speaker, let me inquire of the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Massachusetts has 14 minutes remaining.

Mr. DREIER. Madam Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I would like to yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Madam Speaker, for too many years, administrations of Congress honored our veterans with speeches on Veterans Day, yet dishonored them with inadequate budgets every other day. Then 2 years ago, when the gentlewoman from California, Ms. PELOSI, became Speaker of the House, she promised it would be a new day for America's veterans. Speaker PELOSI has kept her promise to those who have kept their promise to serve our Nation in uniform.

The results are historic and unprecedented. In just 2 years, the Democratic Congress has increased veterans' health care and benefits funding by over $17 billion. That is a larger increase than the Republican-controlled House passed cumulatively over 12 years. This Democratic funding increase for veterans means better quality health care for 5.8 million veterans and shorter waiting times for doctor appointments and earned benefits for combat wounded veterans. It means more extensive mental health care services for veterans suffering from PTSD.

□ 1545

Then, candidate Obama last year said he would, if elected President, keep our Nation's sacred trust with our veterans. President Obama fulfilled that promise when earlier this year he asked for a larger increase in the VA budget than any President in American history.

This budget resolution on the floor of the House right now reflects the President's priority for honoring our veterans. It increases VA discretionary spending for veterans' health care and benefits by $5.6 billion in fiscal year 2010, and by $27 billion over the next 5 years. And at the President's request, it allows forward funding for the VA health care system, the highest of priorities for our veteran service organizations.

Listen to what respected veterans' organizations have said about this budget resolution. The American Legion said—

Mr. BOUSTANY. Will the gentleman yield?

Mr. EDWARDS of Texas. No. I would rather quote the American Legion.

The American Legion said ''it applauds the Conference Committee.'' It goes on to say, ''This funding will help cover the ongoing cost of war to care for the men and women of the United States Armed Forces and their families.''

The Veterans of Foreign Wars said this, in a letter to Chairmen SPRATT and CONRAD, ''The VFW salutes your strong leadership in quickly coming to an agreement, especially one that makes so many meaningful and valuable improvements to the Department of Veterans Affairs. We strongly encourage all in Congress to follow your lead and adopt this conference report.'' Those are the words of the Veterans of Foreign Wars.

They went on to say, ''An advanced appropriation for veterans' medical care is among the VFW's highest priorities, and we sincerely appreciate that you brought this excellent proposal forward.'' That is the proposal that we will vote yes or no on in this House.

The Disabled American Veterans said this spending blueprint ''is good news for our Nation's veterans. Not only does it provide a record increase for the Department of Veterans Affairs, this resolution clears the way for much-needed legislation to ensure sufficient, timely, and predictable funding for veterans' health care.'' Those are the words of the DAV.

By significantly increasing funding for the VA and by allowing for the first time advanced appropriations for VA medical care, this resolution meets the highest priorities of America's heroes, our veterans.

A vote for this budget resolution is a vote to honor and respect America's veterans. They deserve that vote. They have earned that vote with their service and their sacrifice.

Mr. DREIER. Madam Speaker, unfortunately, my friend refused to yield to the gentleman from Lafayette, who wanted to engage in debate, which is what this is all about, so I am happy to yield 1 minute to my friend from Lafayette.

Mr. BOUSTANY. I thank the gentleman.

I think it is a mischaracterization to say that we cut veteran spending. We actually raised veteran spending each year we were in the majority. But I want to point out something else, and that is——

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. BOUSTANY. No, I am not going to yield to the gentleman. I want to complete a thought.

The gentleman was standing here at the podium saying that we are going to spend this and we are going to spend that on veterans; but at the same time, my friend from New Jersey was earlier saying that this is a budget proposal that doesn't enact anything. So I think we are seeing a double standard being discussed over here.

We all recognize this is a proposal, it is a political document, but I have to say that we oppose it because it proposes to borrow too much, it proposes to spend too much, and it proposes to tax too much.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Madam Speaker, first let me say to the gentleman, if he had listened to my words, he would have heard I didn't accuse the Republicans of cutting the VA budget. I did accuse them—rightfully so, and the veterans organizations would agree with me—of underfunding VA health care and benefit needs during the 12 years. You had the ability to increase the VA budget to adequate levels, and you never did it. And the fact is that this budget resolution authorizes an historic increase in VA health care and benefit spending. If the gentleman disagrees with that increase, then he certainly has a right to vote ''no.'' For

me, I am going to stand on the side of the DAV, the American Legion, and the VFW, who strongly support this budget resolution and its support of America's veterans.

Mr. DREIER. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining. The gentleman from Massachusetts has 9½ minutes remaining.

Mr. DREIER. Madam Speaker, I yield myself the balance of the time. We are standing here today doing something that is absolutely unnecessary. As I said in my opening remarks, why would we throw the rules out the window and have consideration of what is on occasion needed to rush through legislation, a same-day rule?

The notion of a same-day rule undermines what was promised by candidate Obama, by Speaker PELOSI, and others in the Democratic leadership, and that is, that we would have a higher degree of deliberation. This conference report was, as I said, filed at 11:37 p.m. last night, some 15, 16 hours ago.

We are in the midst of beginning the debate, and we are going to proceed to debate this. And now we have heard, in the last hour or so, that a decision was made that we will vote tomorrow, and that somehow will allow this to look as if it's fair. Well, again, Madam Speaker, we are in the midst of debating a document which Members have not had an adequate enough time to see.

Now, that aside, it is clear that the American people are hurting. I mentioned the fact that I just got back last night from Los Angeles. We have serious problems in our city, in our county, and in the State of California. We have serious problems all across this country. People are losing their homes, people are losing their jobs.

And what we hear from our colleagues on the other side of the aisle is the finger of blame is pointed at George W. Bush, in large part because of deficit spending. And now, what was, as I said, inherited by President Obama from President Bush, yes—and a Congress that has been controlled by Democrats for the last 2 years—they have inherited an economy which is facing serious problems, an economy that is clearly in recession. Madam Speaker, the solution is to do what economists across the board, Democrats and Republicans, not Republican political operatives, but many Democratic economists have said is not the right solution.

My friend from St. Louis, Mr. AKIN, has come to quote the Treasury Secretary under Franklin Delano Roosevelt, Henry Morgenthau, who, in testimony before the House Ways and Means Committee, said, ''We've tried spending money. We've spent more money than we've ever spent before. Now, after 8 years of this Roosevelt administration, we have an unemployment rate that is just as high as when we started and an enormous debt to boot.''

We know what the economic answer is to the challenges that we have. And I have regularly talked about it here, Madam Speaker, and that is, we need to take what has been promised by our friends on the other side of the aisle, but is totally ignored on a regular basis, and that is a bipartisan approach. And when I say a bipartisan approach, I believe we should take the ideas that were put forth by President John F. Kennedy in the early 1960s and Ronald Reagan in the early 1980s, and what we need to do, Madam Speaker, is we need to have a growth-oriented tax rate reduction that will stimulate the economy and generate the kind of revenue flow that is needed.

We need to pursue market opening opportunities for us around the world rather than sticking our head in the sand and ignoring things like the Colombia Free Trade Agreement and the South Korea Free Trade Agreement. That would go a long way towards creating jobs, good jobs right here in the United States of America if we can again pry open those markets. Those are the kinds of things we should be doing. And all we are getting, Madam Speaker, is a package that dramatically increases the size of the annual deficit and the national debt.

Madam Speaker, in this budget, the deficit alone for the next year is larger than the entire budget was a mere 10 years ago.

So Madam Speaker, I encourage my colleagues to work hard to get the economy back on track. The best way that we can do that is to reject this same-day rule and reject this conference report and get back to the table with something that will get our economy back on track.

With that, I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, let me first begin by saying something about the process. The Democratic leadership promised that Members would have 24 hours to review the budget before it was voted on. There will be more than 24 hours to view this budget.

This budget has gone through a long process. We had more than 14 hours of markup in the Budget Committee. I've lost count of how many amendments were offered. Again, there were four substitutes that were made in order and debated and voted on this floor. We had an open conference committee meeting that produced this final product. We are going to have over 24 hours to review it.

So I guess if people want to complain for the sake of complaining, there is not much we can do on this side to deal with that. But the fact of the matter is this has been a fair process and this has been a good process. I want to commend Chairman SPRATT and Ranking Member RYAN and the staffs, both Democratic and Republican staffs, for their incredible work, their tireless work on this budget.

I am proud of the budget we are going to vote on. This is a budget with a conscience for a change. This is something that our constituents from the east coast to the west coast, I think, are going to find things in here that they can cheer about.

This is a budget that creates jobs with targeted investments in affordable health care, clean energy, and education. It cuts taxes for middle-income families by more than $1.7 trillion over 10 years. It cuts the deficit by nearly two-thirds in 4 years. And it cuts nondefense discretionary spending as a percent of the economy.

We are going to deal with health care. For years, ever since I came to Congress—I got elected in 1996—the number one issue that every poll shows that Americans want us to deal with is health care. We are going to be able to deal with it, I believe, this year. We are going to deal with college affordability so that everybody who wants to get a college education can get one, and nobody is denied a college education because they can't afford to get one.

We are going to deal with the issue of clean energy. We are going to actually begin to invest in renewable, clean, alternative sources of energy so we are not reliant solely on the oil industry or on foreign imports for our energy. So there is a lot in this budget I think that we all can be very proud of.

You are going to have 24 hours to review the budget. Even if you had 124 hours, my guess is that my friends on the other side of the aisle would be against this budget. They have been against virtually everything this new President has proposed. I think their kind of rationale there, their philosophy for regaining political power is to deny this new President any victory, any accomplishment.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am not going to yield at this time. I didn't interrupt you during your closing statement.

The fact of the matter is that people are tired of a party that says ''no'' to everything. That was demonstrated loud and clear in the last election. We need to move in a new direction.

I think what the American people are hearing, quite frankly, is they are hearing that help is on the way. That is why 56 percent of the Americans polled agree with the priorities in this budget. They are hearing that help is on the way for all Americans, not just the wealthy few, the wealthy few who have benefited greatly over the last 8 years.

Things are different. Change is happening here in Washington, and I am proud to be part of this process.

So I urge my colleagues to vote ''yes'' on the previous question and on the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–91) on the resolution (H. Res. 372) providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

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

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

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

S. 386. An act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

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:

Suspending the rules with respect to H.R. 1243 and House Resolution 344, and adopting House Resolution 365.

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

AWARDING CONGRESSIONAL GOLD MEDAL TO ARNOLD PALMER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1243, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 1243.

The vote was taken by electronic device, and there were—yeas 422, nays 1, answered ''present'' 1, not voting 8, as follows:

[Roll No. 210]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
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
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
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, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Slaughter

NOT VOTING—8

Brown, Corrine
Burgess
Clay
Jackson (IL)
Johnson, Sam
Lofgren, Zoe
Stark
Wu

□ 1629

Mr. FRANK of Massachusetts changed his vote from ''nay'' to ''yea.''

Ms. SLAUGHTER changed her vote from ''yea'' to ''present.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 344.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 344.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 7, as follows:

[Roll No. 211]

YEAS—425

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
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
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
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, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
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
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Brown, Corrine
Burgess
Clay
Jackson (IL)
Johnson, Sam
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1637

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.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 365, 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 resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 8, as follows:

[Roll No. 212]

YEAS—233

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

NAYS—191

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)

Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brown, Corrine
Burgess
Clay
Jackson (IL)
Johnson, Sam
Rogers (MI)
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1646

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BARTLETT. Madam Speaker, on rollcall 212, I intended to vote "no."

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 371 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 371

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Madam Speaker, I am honored to stand here today in support of the fiscal year 2010 budget resolution conference report.

I want to thank my friend, the Budget Committee Chairman, JOHN SPRATT, for his incredible work on this budget. He is smart, he is fair, and no one cares more about these issues.

I also want to thank Ranking Member PAUL RYAN. I believe he is a thoughtful and bright Member of this House, even though we usually disagree on most of the issues of the Budget Committee.

I also want to thank the staff of the Budget Committee, Democratic and Republican, for their tireless effort and their commitment to public service.

Madam Speaker, the budget conference report that we are considering today represents so much more than a clean break from the past. It is a blueprint for the future. It is a roadmap for economic recovery and for investing in national priorities that will provide the American people with shared prosperity in the years and decades to come.

The conference report lays the groundwork for health care reform, clean energy and quality education. It will create jobs, support working families, strengthen our national defense and renew America's global leadership.

By cutting taxes for the middle class, $1.5 trillion in tax cuts for over 95 percent of the American people, Madam Speaker, and investing in affordable health care, education and clean energy in a fiscally responsible way, we are taking the first critical steps to lifting our economy out of recession and creating good jobs for America's workers. For the last 8 years, President Bush flat out mismanaged the Federal budget. How? By enacting huge tax cuts for the wealthiest Americans that led to skyrocketing deficits, by spending hundreds of billions of dollars on the wars in Iraq and Afghanistan without paying for them, and by refusing to invest in the American people.

This budget cuts the deficit by more than half by 2013. And in order to get us back on a fiscally sustainable path, the budget provides a realistic assessment of our fiscal outlook. Unlike the Bush administration, we actually budget for the wars in Iraq and Afghanistan instead of hiding them under the emergency spending categories. We budget for natural disasters that inevitably will occur.

This conference report cuts taxes for 95 percent of Americans. Let me repeat that, because we will hear a lot of rhetoric from the other side about taxes.

This budget cuts taxes for 95 percent of Americans. It provides immediate relief from the alternative minimum tax, it eliminates the estate tax on nearly all estates, and works to close corporate tax loopholes.

You see, all of us believe in altering the Tax Code. We believe that we should reduce the tax burden on the middle class and those trying to get into the middle. We believe that corporations shouldn't be allowed to shirk their responsibility by hiding their profits in offshore tax havens.

The other side believes we should reduce taxes for the very wealthiest. It's a simple difference in philosophy. Most importantly, this budget, the Democratic budget, actually invests in the American people. What a welcome change from the past 8 years.

We invest in health care reform, not just to improve health care quality and improve coverage, but to reduce the crushing burden of health care costs on American businesses. Everybody likes to talk about health care reform. This budget actually lays the groundwork to get it done.

We invest in clean energy in order to create jobs, improve the environment and reduce our dependence on foreign oil. We invest in renewable energy and energy efficiency. Everybody likes to talk about energy independence, but this budget actually lays the groundwork to get it done.

And we invest in education to reclaim our place as the best-educated workforce in the world. We work to expand early childhood education and to make college more affordable. Everybody likes to talk about improving education. This budget actually provides the basis to get it done.

And this is a budget that will allow Congress, if and when the time comes, to vote up or down on health care reform and education reform and avoid

the infamous obstructionism so characteristic of the other body and the other side of the aisle. It certainly doesn't guarantee passage of such reforms, but it will allow for and require a straight up-or-down vote in each Chamber.

Now I know that change is hard. I know some of my colleagues want to cling desperately to the failed policies of the past. But the good news is that despite all the nasty press releases and television ads and talk radio attacks on the President, the American people still support President Obama's vision for America.

That's why this budget is so very important. This is a budget with a conscience. It is a budget that believes in the American spirit, and it's a budget that fulfills the promises that the President made to the American people.

Madam Speaker, we are at a crucial moment. Our country can meet its potential, our children can have a better future, our economy can once again create good-paying jobs. But in order to make that happen, we need change. We need to move in a bold, innovative new direction. We need to pass this budget.

I urge my colleagues to join me in support of this rule and the underlying bill.

I reserve the balance of my time.

POINT OF ORDER

Mr. DREIER. Madam Speaker, while my colleagues didn't need to listen to the remarks of my distinguished colleague, I know that they will very much want to hear my remarks. And so I would like to make a point of order that the House is not in order.

The SPEAKER pro tempore. The gentleman makes a point of order that the House is not in order.

The gentleman will suspend. The House will come to order. Members and staff standing and engaging in conversations will take their seats.

Does the gentleman withdraw his point of order?

Mr. DREIER. I just made it. I mean, you determine whether or not the House is in order, Madam Speaker. It didn't seem to me that it was.

The SPEAKER pro tempore. The gentleman will answer the question.

Do you withdraw your point of order?

Mr. DREIER. Sure.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

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

Mr. DREIER. I thank my friend from Worcester for yielding me the customary 30 minutes.

It sort of feels like Groundhog Day. We just completed debate on this same-day rule and now here we are proceeding with the rule on the budget conference report itself.

When we ended the debate just a little while ago, my friend was saying that those of us on this side of the aisle have no interest or desire to work with President Obama, that all we say is ''no'' time and time again. I have got to say that repeatedly we have come forward with alternatives, and we very much want to work in a bipartisan way. And so this notion of trying to claim that we as Republicans are saying ''no'' is preposterous. Everyone is aware of the fact in this House and in the executive branch that we have come forward with proposals, which is exactly what we did. We had two alternatives that were considered here on the House floor when we considered the budget, itself, and now we have this conference report.

I have got to say that the underlying budget conference report, itself, Madam Speaker, that is before us, to quote my friend from Worcester, is really the same old, same old, a term that he loves to use, as, really, it's the same package that we looked at just 4 weeks ago. Democratic leadership, I know, has tweaked a few things on the margins, but the exact same failed policies are still fully intact on this budget.

My friend correctly points to the fact that the American people are hurting. We know very well that we have a shared goal, but it's how we do it. Unfortunately, this budget recklessly spends money that we don't have, and it sets the stage for tax increases that we can't afford. It makes the fundamental mistake that led to our economic crisis in the first place—profligate, unaccountable and irresponsible behavior. And it allows the Democratic majority to ram through massive, complex legislation down the road without any pretense of consensus building.

My friend said again that we just say ''no'' to the President. We want to have what the President talked about in his campaign, what the Speaker has repeatedly talked about. We want to work to build a consensus here, but, unfortunately, the budget itself lays the groundwork to completely obliterate any notion of bipartisanship.

Apparently they are not content with merely shutting out Republicans from the legislative process. They are finding moderates within their own party, those who are interested in reaching across the aisle and finding commonsense solutions, and those people who want to do that apparently are being ignored in this process as well. They want to be able to steamroll any effort whatsoever to reach a responsible, bipartisan compromise on some of the most important challenges like health care and energy.

This conference report will let them do just that, to ignore the prospect of bipartisanship. The Federal budget may be a very complicated thing. We all know that. But the principles that should govern that budget are not. They are not complicated at all.

The budget should responsibly spend the taxpayers' money. Every program, Madam Speaker, should be held accountable to cut out waste, fraud and abuse. The budget should assume responsibility for today's challenges rather than pushing the hard choices and mountains of debt off into the future to our children and grandchildren. The budget fails on all these counts.

The longer that the American public has time to examine the level of wasteful spending in this budget, the more deeply concerned they are. They wonder how we can afford this right now, how much debt will be left to our children and grandchildren, and will our taxes be raised to pay for this?

Just a few weeks ago The Hill, the newspaper here, ran a story on the emerging consensus among economists of all stripes that the numbers just don't add up and taxes are going to have to be raised dramatically to pay for all of this government spending. According to these independent analysts, as reported by The Hill, this will mean taxes on the middle class. On middle-income wage earners, these analysts are saying that taxes will be imposed.

Martin Sullivan, a contributing editor at Tax Analyst publications, is quoted as saying, ''You just simply can't tax the rich enough to make this all up.''

□ 1700

Another economist, Leonard Burman, director of the Tax Policy Center, said that, under the current tax structure, ''there's no way we're going to be able to pay for government.''

Now, Madam Speaker, these are not Republican operatives. These are independent economists, many of whom openly supported the President during the campaign, who were looking at the numbers and who are saying that this budget will make tax increases on middle-income working Americans, who are trying to make ends meet, inevitable.

This course of action is especially dangerous given our current economic crisis and its causes. Anyone with a little common sense can understand that reckless borrowing and lending led to our economic downturn. A little common sense is also all it takes to understand that raising taxes, including on middle-income wage earners, would be a disaster during tough economic times. Even Keynesian economists and economists of all stripes recognize that, Madam Speaker. Yet this budget continues that very reckless behavior and puts us on the path toward those middle class tax increases.

The most dangerous impact of this budget will come further down the road. This bill employs an arcane legislative trick that will allow the Democratic leadership to cram through massive health care legislation with little scrutiny and, as I said earlier, with zero bipartisanship. This provision we all know called ''reconciliation'' may be a very technical Beltway issue, but we can all understand its implications by simply considering that iconic

American image, Jimmy Stewart, as he played the role of Jefferson Smith, defiant on the floor of the other body on the other side of the Capitol in that movie ''Mr. Smith Goes to Washington.''

For many Americans, this is the classic image of public service at its principled best. However, had the Democratic leadership's budgetary gimmicks been in place, Mr. Smith would never have been able to make the stand that he did in that famous movie.

Instead, this budget ensures, Madam Speaker, that critical legislation can be rushed through without the hassle of principled debate. We've already seen what happens when 1,000-page legislation on very complicated issues gets crammed through the Congress. Look no further than to the hundreds of billions of dollars of bailout money that this majority has doled out, to the billions wasted, to the billions unaccounted for and with nothing to show for it.

The Democratic leadership's hasty and partisan approach has a very poor track record. Now they want to ensure that they will be able to approach health care reform in the exact same way, health care accounts for nearly one-fifth of our entire economy, and is one of the single, most important factors in an individual's and in a family's quality of life.

Will Americans be able to continue to choose what doctors they go to? Will they be able to consult their doctors on which treatments are best for them? Can we make health care more accessible and affordable without compromising quality and personal choice? These, Madam Speaker, are the incredibly critical questions that should be addressed in the health care reform debate.

You know, if the Democratic leadership has its way, there won't even be a debate. They want to be able to handle it like they've handled nearly every other important bill: written behind closed doors and crammed through without an open debate. Madam Speaker, this budget puts the rules in place that will allow them to do that. It will also allow them to attach dramatic new energy taxes on every household in America in order to pay for their health care proposals.

The Democratic leadership, when confronted with a question of a new cap-and-tax program, insisted that it is not contained in this budget. What they are hoping the American people will not find out until it's too late is that this budget will allow new energy taxes to be attached to the Democrats' health care legislation. Their energy tax proposal would mean hundreds and even thousands of new taxes each year on each and every single household in this country, and it's all made possible by this budget conference report that we're going to be voting on tomorrow.

The Democratic leadership likes to defend their procedural tricks by saying that Republicans used the same tactics to enact welfare reform and tax rate reduction. I'm very proud of the fact that we were able to reduce the size and scope and reach of government; that we were able to make welfare programs more accountable; that we were able to let the taxpayers keep more of their own, hard-earned money; and that we were able to implement growth policies that gave us 55 months of job creation and sustained economic expansion. That was the right thing to do. The Democrats, on the other hand, would like to use this procedure to dramatically expand government bureaucracy and tax the American people during an economic recession. This is an absolutely disastrous budget under any circumstances, but it is equally and especially dangerous during challenging economic times.

Madam Speaker, I urge my colleagues to reject reckless, wasteful spending; to reject tax increases for the middle class; to reject a hasty and partisan process for crafting health care and energy legislation. I urge my colleagues to oppose this rule and the underlying conference report.

With that, I reserve the balance of my time.

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

I just want to point out, Madam Speaker, that, notwithstanding the constant attacks on President Obama that have come from the other side of the aisle on this floor since he was elected, since he was sworn in as President of the United States, notwithstanding the constant attacks by the patron saint of the Republican Party, Rush Limbaugh, and notwithstanding the attacks by former Speaker Gingrich on every TV show that will allow him on, a poll done by CBS recently showed that, by a 56–32 percent margin, the American people believe that President Obama's budget sets the right priorities.

I believe in the American people. I believe in their instincts. I think they know what they want better than my friends on the other side of the aisle.

I will also point out—and my friend admitted to this because, when it comes to reconciliation, they like to cherry-pick—that their budgets in 2001 and in 2003, which allowed for these massive Bush tax cuts and which nearly bankrupted us—the tax cuts that went to the wealthiest Americans—had reconciliation instructions. In 2005, with reconciliation instructions that allowed them to make deep cuts in Medicare, they increased the deficit by an aggregate of $1.8 trillion. That's what they did to the economy. That's what they did to the American people. So we don't want the same old, same old.

Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from New York (Mr. BISHOP), a member of the Budget Committee.

Mr. BISHOP of New York. Madam Speaker, I thank Mr. MCGOVERN for yielding. I want to start by thanking Chairman SPRATT and his colleagues on the Budget Committee and the conferees for so quickly coming to an agreement on the conference report.

I rise to support the rule and the underlying conference report.

This budget resolution begins the long and painful process of digging out of the very deep hole that we have inherited. It makes good on President Obama's promise to cut in half the deficits he inherited in 5 years. In fact, it cuts the deficits by two-thirds, and it does so even while we are cutting taxes for 95 percent of Americans to the tune of $1.7 trillion worth of tax cuts. We also invest in priorities that are absolutely vital to our future.

I'd like to be specific about one of those priorities, and that is the investment made in higher education and in education in general that is accommodated by the conference report. There are significant investments in higher ed and an increase in the Pell Grant maximum, which will make it easier for hard-pressed students and their families to achieve their slice of the American dream. The moving from the Federal Family Education Loan program, the so-called ''FFEL program,'' to direct lending will save $97 billion over 10 years, and it will put money in the hands of needy students as opposed to having that money added to the bottom line of banks and of other loan providers. It will restructure the Perkins Loan Program to make it more readily available to students. It will create a college access and completion fund that will enable colleges to emulate best practices across the country so that students really do succeed, and it will make permanent the American Opportunity Tax Credit. All of these are the kinds of investments we need to make if we are going to have the prosperous future that we all want.

With specific reference to education, Mr. DREIER made reference to the various alternatives that Republicans have offered to our budget resolution. The alternative that the Republicans offered made absolutely no mention of education.

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

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of New York. There is no mention of education. There is no plan to invest in higher education. There is no plan to invest in job training. There is no plan to invest in any of the vital services that our children need to put them on a path to success.

Instead, that budget resolution made a series of very deep, unallocated cuts that could easily fall on education. We cannot have the bright future we need to have if we don't invest in our children's education. Our budget resolution does that.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I would like to simply say to my colleague who brought up this issue of

reconciliation that we were very proud of the fact that we were able to get people from welfare rolls to the working side of the economy in the mid-1990s, and we did use this procedure. I can time and time again remember instances of people who were saying they were so proud to be able to have a job. In the mid-1990s, the Republican Congress did bring about a bold reform of our welfare system, and it was a great, great accomplishment as it was in the early part of this decade when it was used to allow people to keep more of their own, hard-earned money in 2001 and in 2003.

At the same time, we were doing everything that we could to ensure that we had pro-growth economic policies because we were dealing with an economic recession then, of course with the aftermath of September 11 of 2001, with corporate scandals, and as I said, with an economic recession. We did put into place pro-growth policies, and yes, we used that procedure.

The really difficult thing for us to fathom is the fact that we're now seeing this process utilized to dramatically expand government to the point where this budget has, itself, got a deficit that is larger than what the entire Federal budget was just 10 years ago.

I would very much like to yield to my friend. I told the gentleman from Springfield I would.

Mr. MCGOVERN. Would the gentleman yield?

Mr. DREIER. Okay. I would be happy to yield to my friend.

Mr. MCGOVERN. I just want the gentleman to know there are 40 million Americans without health insurance, and if we can get a health care reform package that covers them, I would be proud to cast a vote for that.

Mr. DREIER. If I could reclaim my time, I totally agree on the issue of health care reform. That is a very high priority for us, and my friend knows that we have a solutions working group that is focusing on this issue, and it is a priority that does need to be addressed.

With that, I am happy to yield 4 minutes to my friend from Springfield, Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding.

Here we are. We just had a same-day rule on a bill that was available 3 minutes till midnight last night. We're now on the rule on the budget, the supposed blueprint for the future, and we're going to hear in this debate and in the other debate that this is a budget that spends too much, that borrows too much and that taxes too much because it spends too much, it borrows too much, and it taxes too much.

I want to talk principally about health care for a few minutes. That has been a topic here of the discussion already. ''Reconciliation,'' by definition, defines a partisan victory. I would just advance to my friends that health care is the worst possible place to achieve that victory if you can achieve something differently than that.

There is broad agreement on what we ought to do in health care. We're all working hard to make that agreement become a reality. We've talked about tax policy. We've talked about welfare policy. Frankly, we did use reconciliation, but it was always to restructure something that government was doing. I don't think there is an example of where we used reconciliation to restructure the overall private economy. Both health care and energy would restructure an economy that will never come back to where they were, and that is not something you should be doing without lots of thought and without lots of support in a bipartisan way.

I would advance to my friends that that is a huge mistake. Certainly, if you restructure energy for 5 or 10 years or you restructure health care for 5 or 10 years, we're never coming back to the competitive marketplace that needs to be improved but not tossed aside, and I'm fearful that that's what happened.

Here we are. We're at the end of April. If there is a Secretary of HHS, that's only because she will be confirmed this week. I don't think there is a Secretary there. Even if there is, the others in that Department who support the Secretary are not there. No Secretary. No bill. No plan to get this done within the calendar. The calendar makes it virtually impossible to get this done before that reconciliation instruction has to be used.

Frankly, for those who want to go to a single-payer, government-run system, having reconciliation out there is every reason in the world not to have a bipartisan compromise. This is an area where we need to have two-thirds of the Members of the House and two-thirds of the Members of the Senate going from that vote, saying we believe the country is headed in the right direction.

□ 1715

If we have a 51–49 sort of victory and we have a 5-year debate on whether we have health care rationing or government-run health care, that is a bad thing for America, Madam Speaker. We need a health care system that's affordable, that's accessible, that has better quality. I think we can all reach agreement on those issues. But not, I would advance, if we have this option out there of one party doing it one way.

This is a blueprint that doesn't work the way it should work. The budget doesn't. The taxes, the inflation, the interest rates that are absolutely in the country's future in the way of recovering the economy are part of the problem of the future. They will stand in the way of that recovery.

I urge that we vote against this rule and against this budget.

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

First of all, when people talk about partisanship, I recall my friends on the other side of the aisle giving us the prescription drug bill, which was probably one of the most partisan health care votes I can recall ever having here. Our hope is not to have a partisan health care bill. President Obama has already had a summit at the White House where he invited not just Democratic leaders but Republican leaders to come and to provide their input to try to figure out how we can do this together.

But the deal is we are going to get health care reform this year. My friends on the other side of the aisle, they have had 8 years. If it's such a priority, why haven't they done it in 8 years? The number of people that have fallen into the ranks of the uninsured has increased dramatically while they were in control of the Congress and the White House. So no one's talking about trying to create a partisan vote.

What we're trying to do is get what the American people want accomplished. And, quite frankly, I think the onus is on the other side of the aisle to demonstrate that they are, in fact, sincere about working in a bipartisan way. I think this President has done everything humanly possible to reach out the hand of friendship and bipartisanship to try to work with the other side of the aisle.

I would like to yield 1 minute to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I just wanted to follow up on the previous speaker.

It is absolutely clear, and hopefully we will pass this budget this week, but the budget sets out a process by which we can work and should work in a bipartisan way. It is simply not good enough for the other side of the aisle to say, ''We would love to work with you on health care reform. We just can't guarantee that we can do it before October 15 and therefore we aren't sure we're going to do it at all.'' That is not what the American people are asking us to do. What they're asking us to do is get to work.

The fact is that we did more on health care in the first 8 weeks of this administration than we did for 8 years before. That's what the American people are asking us to do. That's what this budget does. It says we're going to get to work on health care. We're going to look to do it in a bipartisan way. It's going to be public-private partnership. That's what the President wants. That's what we're going to do. It is not going to be a wholly public system. They can keep saying so on the other side of the aisle, but that's not what's going to happen.

Let's get to work. This is a moment when the American people are saying one of the major challenges before us in this country is for economic competitive reasons and because every family is demanding it, is to do health care reform. Let's get it done. This budget puts us on a path to do it.

Mr. DREIER. Madam Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding to me.

I rise, Madam Speaker, today in support of this rule and fully support the fiscal year 2010 budget as well.

President Obama has laid out an extremely ambitious budget this year that will resonate for decades to come. From health care to climate change to education, this budget will improve our Nation in significant ways, and I am proud to support it.

For health, this lays the groundwork for health care reform. Forty-seven million people living without any health insurance is a national disgrace. For energy, this goes towards the way of reducing our dependence on foreign oil. This budget would increase funding for renewables by nearly 20 percent over the '09 budget. And for education, Mr. BISHOP spoke about all the things. I agree with him. It builds upon the funding we provided for education in the recent stimulus package.

Now, as any large bill, it's not perfect, and it can be improved. And I just want to highlight a few areas that I hope we can improve on in the future.

One is foreign aid. I am disappointed at the level of the funding for international relations and foreign aid. As the chairman of the Western Hemisphere Subcommittee, I've seen firsthand the benefits of foreign aid. This budget is a lot better. The conference report is a lot better than the initial budget. The Senate budget included the entire $53.4 billion of the President's request. This compromise is $51 billion, better than the original House $48.5 billion, but I hope we can up it in the future.

I want to talk about the $250,000 income threshold. The budget resolution uses this $250,000 threshold as a way to raise revenue. I think it's too low and needs to be raised. If you come from a high-cost-of-living State as I do, this $250,000 threshold is inappropriate. Raising taxes on these people, I believe, is not good at this time. But I think overall the budget is good.

Finally, I want to talk about the AMT, because in New York, you cannot deduct anything if you're caught in the AMT. I am happy this budget includes a 1-year AMT patch. Without this patch, 2.8 million middle-class families in New York alone would be swept into it. But every year, we're going to run into difficulty. We need a permanent AMT fix, and I hope we can do that.

But I do support the budget. It's a good budget. It calls for the change that President Obama spoke about, and I hope we vote for it.

Mr. DREIER. Madam Speaker, I continue to reserve my time.

Mr. MCGOVERN. Madam Speaker, I would like to yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, I rise in support of this rule and the underlying budget conference report that we are considering today.

As a member of the Budget Committee and a budget conferee, I was proud to have worked with Chairman SPRATT and the other members of the committee on a 2010 budget resolution that reinvests in America and reinvests in hardworking middle-class families that make up the backbone of this country.

As we all know, the voters spoke this fall overwhelmingly, voting for change and a reorientation of our priorities so that, in fact, we are strengthening the middle class and making the critical investments needed to build a better tomorrow.

We began to bring that desired change with the economic recovery program, and we continue on that path by providing a blueprint in this budget that will bring tax relief to hardworking families across this Nation and make investments in health care, education, energy, and elsewhere that are needed to move this economy from recovery to long-term growth.

Our friends on the other side of the aisle will decry this budget claiming that it will burden future generations with crippling debt. But let's be clear. It was under their leadership that a $5.6 trillion surplus turned into the historic budget deficit that President Obama and this Congress inherited, a deficit of well over $1 trillion in 2009. If you listen to my colleagues on the other side of the aisle, they were missing in action over this last 8 years. It is hard to believe that they were in charge. It is a little bit like ''see no evil, hear no evil, and speak no evil.'' They were gone from the playing field over these last 8 years.

We will also hear the other side rail against the instructions that are included in this resolution—to bring about what? Education and long-awaited health care reform, despite the fact that they used this same procedure to pass massive tax cuts for the wealthiest people in this Nation.

When it comes to health care reform, the American people have watched as Congress has failed since 1993 to make a serious attempt to fix our broken system. Health care reform, making health care coverage affordable, available to all, improving safety and quality, and providing Americans with a choice of health plans and physicians, including the choice of keeping their current health plan, is long, long overdue.

We will work to craft bipartisan legislation, but the American people are not interested in process. They are interested in results. We will not let a party of ''no'' stand in the way of a reformed health care system that the majority of Americans so desperately want.

Along with health care, this budget also invests in education by expanding access and increasing funds for early childhood education, creating a new tax credit to help cover college costs, and raising the Pell Grant award.

It invests in energy, builds a framework for developing and producing new energy and jobs, modernizing the electricity grid to make it more efficient, secure and reliable, increasing the efficiency of Federal buildings, and helping to make State and local governments more energy efficient.

This conference agreement invests in rebuilding America, including the establishment of a national infrastructure bank which would allow the government to objectively consider a wide range of infrastructure projects and leverage the private sector to fund those with the most significant economic, social and environmental benefits.

Finally, this budget plan reflects on the economic recovery program that we passed, including its provisions to provide tax relief to middle-income families. This includes room to expand the refundable child tax credit. By lowering the eligibility threshold to $3,000 in the Recovery Act, we provided relief to the hardworking families of nearly 16 million children, including 5.5 million newly eligible children.

This budget builds on our efforts to create jobs and rebuild the economy through the economic recovery plan by providing a forward-looking economic blueprint that makes the strategic investments necessary to move from recovery to long-term economic growth while putting us back on a path to fiscal sustainability.

I urge my colleagues to support this rule, to support the underlying resolution and do not let our colleagues on the other side of the aisle, who had 8 years—and what did they do in those 8 years? They brought this Nation to its economic knees. It's time to look to the future. Support this resolution.

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

I say to my very good friend from Connecticut that it's fascinating that our colleagues on the other side of the aisle continue to talk about nothing but the last 8 years. And I find it interesting because no one seems to be willing to talk about what it is that's before us: a budget that is dealing with the next 5 years. It's a $17.8 trillion budget over the next 5 years. That's what we need to focus on. That's what this debate is all about.

With that, I am very happy to yield 3 minutes to our hardworking and very thoughtful chair of the Republican Conference, the gentleman from Columbus, Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, I come to the floor today in the midst of a debate and rise in opposition to the conference report on the Democratic budget.

I do so following after the quite typically forceful remarks of the gentlelady from Connecticut, whom I respect as a colleague. She, as the gentleman from California just said, focused a

great deal on the last 8 years. As someone who in this body through the course of the last 8 years was, as my colleagues know, a harsh and public and consistent critic of runaway Federal spending under Republican control, allow me to stipulate that the gentlelady makes a point.

The truth is in the 8 years of the Bush administration's tenure, under Republican control 6 of those years, we did manage to double the national debt. And that was a disappointment to millions of Americans, me included. And I believe it was part and parcel why the American people in 2006 showed us the door because they know we can't borrow and spend our way to a healthy America. So I will stipulate to that point, Madam Speaker.

But it doesn't follow or stand to reason that coming to the floor as the gentlelady from Connecticut did and as others have today and complaining about overspending under Republican control of Congress, that the answer would be this budget which would—on top of what has already happened—double the national debt in 5 years and triple the national debt in 10.

□ 1730

It just simply doesn't make sense.

I would expect, Madam Speaker, that anyone that is looking in, that in the midst of these difficult times—a time when the American people are hurting, when every family and small business and family farmer across this country are sitting down around kitchen tables and metal desks and offices and figuring out how to make ends meet, they are making sacrifices, they are putting off until tomorrow what they don't have to spend today—here they see Democrat majorities in the House and the Senate bringing to the floor the most fiscally irresponsible budget in American history. And I say again, according to the numbers—and we can get lost in the numbers—outlays of $3.5 trillion for fiscal year 2010, $1.2 trillion in deficits in 2010. The deficits over this period never fall below $500 billion. A number that was roundly criticized when the Bush administration and Republicans hit that number is now accepted to be the norm.

As I mentioned, public debt by the year 2014 will rise to more than two-thirds as a share of the economy. It is astonishing to point out that the European Union requires countries to keep their debt below 60 percent of their economy.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. I yield my friend an additional 2 minutes.

Mr. PENCE. If this administration and the Democrat majority have their way, the United States of America, by 2014, wouldn't even qualify under the criteria of the European Union—not that I would ever want to join. It just gives a perspective here, Madam Speaker, that what we have before us today is a budget that is out of step with the American people. It is a budget that does not embrace the sacrifice and the resilience and the demonstrated virtue that millions of American families and millions of small businesses are practicing today.

The truth is, we can do better. The truth is, the American people know that this Congress has the capacity, even during these difficult times, to do the right thing, to take our jackets off, to roll our sleeves up, to do the hard work.

I look across the aisle and I see a gentleman with whom I serve that I personally and deeply respect. And I have to believe there are many colleagues on the other side of the aisle that also know this we ought not to do. After a so-called stimulus bill that spent $1 trillion, an omnibus bill that increased spending by 8 percent for last year's business, and now the most fiscally irresponsible budget in American history, enough is enough.

The American people want this Congress to begin to practice fiscal discipline and reform. We ought to do so by rejecting this conference report, and I urge my colleagues to do so.

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

Let me say to the gentleman from Indiana, whom I respect, I agree with half of what he said. I agree that his party did mess up and leave us with a terrible economy at this particular juncture. But I think here's where we may disagree philosophically. The question is, how do you dig yourself out of this ditch? Is it more cuts? Is it throwing more people off the health care rolls? Is it creating more joblessness? Is it cutting back on educational programs? Is it cutting back on infrastructure programs? I mean, is that how we get out of this? Or, as I think we are suggesting, is it that maybe in the short term there needs to be some investment upfront to try to stimulate and resuscitate this economy, to create more jobs, to create more revenue, to try to get this economy back on the right track?

We are in deep trouble. We have inherited the worst economy since the Great Depression. Now, the gentleman and others have spoken as if we are not concerned about the deficit or the debt. First of all, we have joined with the gentleman from Indiana over the last 8 years complaining about the size of the debt. And we were told repeatedly by some of my friends on the other side of the aisle that the deficits don't matter, the debt doesn't matter; well, now all of a sudden it does.

The fact of the matter is, in the budget that we are proposing, we cut the deficit by nearly two-thirds in 4 years. That is our promise. That is our pledge in this budget.

I will briefly yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

Madam Speaker, Mr. MCGOVERN went through this litany of options and the challenges that we have faced and things that should be done. He never mentioned that the solution that is being put before us is to dramatically increase the size and scope and reach of government, to impose taxes that will—as these independent economists about whom I referred earlier have said—will impose this tax burden on middle-income wage earners.

Mr. MCGOVERN. I reclaim my time. First of all, there is not a single tax increase in the budget. The budget that we propose cuts taxes for middle-income families by more than $1.7 trillion over 10 years. And again, our budget cuts the deficit by nearly two-thirds in 4 years.

I am proud to defend our budget. I have talked about how it is going to create jobs. I have talked about how it is going to cut taxes. I have talked about how it is cutting nondefense discretionary spending. I have talked about how it is going to invest in affordable health care and college affordability and clean energy. I am out here very proudly defending this budget that we have.

So all I am simply saying is that what the other side has proposed, quite frankly, in our opinion, is unacceptable. It will hurt more middle-income families. It will cause more people to fall into the ranks of poverty, more people without health care. It will cut back on education, on investments in our infrastructure. Those were the proposals that were presented. I think that is the wrong way to go.

Madam Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. ''Johnny, what have you done?'' I remember my mom asking me that as a young boy, ''What have you done?'' Well, she asked me this weekend, ''Johnny, what have you done to help middle class families? What are you doing in Congress to put the middle class first for a change?'' And I said, Mom, some great things are happening in Washington, D.C. Can you imagine this? The Democratic Party is about to enact the largest tax reduction in our country's history for middle class families. Imagine that. Can you imagine that Democrats are going to cut the budget in half, by two-thirds by 2013? And can you believe that we are finally going to have an honest accounting for all the mess that we have inherited over the last decade, the mess that includes bailing out banks, bailing out Freddie and Fannie, and also dishonest war funding, money that should be included in the budget but yet we were not strong enough to put that in the President's budget? Can you believe that the Bush tax reduction was for the wealthiest Americans, and that our tax reduction is going to be for middle class families?

Madam Speaker, this House is in order. And we are investing in America. We are investing in our country and in our jobs. Do you remember in 2004, when President Bush's Secretary

of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage? And all we hear now from our opponents on the other side is that Americans don't deserve health care.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. McGOVERN. I yield the gentleman 1 additional minute.

Mr. BOCCIERI. But all we hear from those detractors is that Americans are not worthy of having health care that works for every family and for every child.

I say enough is enough. We need to invest in our country, in our people, in our future. And that is exactly what this budget does; it invests in education, in green energy jobs, and cuts the budget deficit.

Are we going to be leaders or are we going to be blockers? Are we going to say ''yes,'' or are we going to say ''no?'' Are we going to invest in American families or Iraqis?

Mr. DREIER. Madam Speaker, at this juncture I am happy to yield 3 minutes to our hardworking friend from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding. And I must say that if I had just arrived here from out of town, I would think I was in a college literature class listening to Orwellian doublespeak at its best and examples thereof.

When they talk about investments, this new big government order, that really means tax increases and increases in spending. When they talk about bold, swift action, that means more ''big government'' power grabs. When they talk about probusiness regulation and modernization of energy, that is just more government dictating to the private sector. When they talk about rebuilding America and new modern job creation, those jobs are coming from the government. Those are government jobs. They talk about health care reform. That is just plain old socialized medicine.

And then they talk about cutting the deficit, but they don't tell you it is their own deficit. If the gentleman from Massachusetts can tell me what the deficit is today, as I sit here and listen, then all I have to do is divide that by half. But that is not true at all. What you are doing is increasing spending and then, based on some phony ''we're going to grow the government next year by 4 percent, then we're going to cut the deficit,'' come on, guys, that doesn't sell and you know it.

And we hear over and over again this is George Bush, Dick Cheney, Halliburton, Blackwater, and everybody else's fault but the Democrat Party. But who has been in charge for 2 years? It was you guys, that under your watch, $29 billion spent on AIG; $200 billion last year on Fannie Mae and Freddie Mac; $168 billion for a stimulus bill last year, a year ago; $85 billion going up to $140 billion for AIG in September; $700 billion in October for Wall Street; and then, just in January, $790 billion for a stimulus bill followed by a $410 billion omnibus bill which had over 9,000 earmarks—which the new President was going to cut every earmark out and not accept any.

At what point are Democrats going to go ahead and admit, you own the House, you own the Senate and the White House? This stuff all happened under your watch. Get over George Bush. You are now in charge.

And I want to say this, as an Appropriations Committee member during the period of time when George Bush was President and we were in the majority——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Madam Speaker, I yield my friend 1 additional minute.

Mr. KINGSTON. We never had one appropriation bill that spent enough money for you guys. And you know it. And the records show it in the appropriations debate over and over again; it didn't spend enough money.

So now we are hearing that your fiscal discipline—I just think it is laughable to think about this—your budget spends too much, taxes too much, and borrows too much. We will be borrowing more money from the Chinese. Indeed, the new Secretary of State's first trip was over to China to say, please continue to lend us money. The deficits that go on will never fall below $500 billion. But I understand you are going to jack up spending so you can say you have cut it in half, and that's the way you want to do business.

Tax increases; $1.5 trillion in tax increases. And a lot of it will fall on the backs of farmers and small businesses, the very people you have the nerve to say that you are trying to help. And the total spending outlay of $3.5 trillion in the year 2010.

This budget should be rejected. It spends too much, borrows too much, and taxes too much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

I would say to my friends on the other side of the aisle, you have had your chance. We did it your way for 8 years, and we have the worst economy since the Great Depression. We have more people in poverty, we have the worst job creation since the Great Depression, we have more people who are hungry in America, we have more people without health insurance. I mean, give me a break.

The bottom line is we have tried it your way for 8 years, and you have failed. And the American people sent my friends a message loud and clear on Election Day that enough is enough.

Mr. KINGSTON. Will the gentleman yield?

Mr. McGOVERN. I will yield to the gentleman.

Mr. KINGSTON. Who took over the Congress in 2006?

Mr. McGOVERN. Reclaiming my time. Yes, the Democrats did, but unfortunately with a President who vetoed every decent piece of legislation that we tried to pass, vetoing children's health care, and a whole bunch of other things that would have helped the economy.

Right now we have a Democratic Congress and a Democratic President, and we are going to pass a budget that reflects what the American people want, the values of the American people. We are going to get this economy back on the right track. Enough. Eight years of failed policies is enough. The same old, same old doesn't work anymore.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I am happy to yield 1 minute to my friend from Savannah.

Mr. KINGSTON. I thank the gentleman from California.

I was going to ask my friend from Massachusetts, is it not true that the President vetoed Democrat spending, and did come to compromise on things like children's health care, but the first go-round you guys spent too much money, and that is why he was vetoing it? I mean, I can see, blame it on the President and Republicans for 6 years, fair and square. But you guys have been in charge for 2 years now, and the only vetoing that he did was when you were spending too much money.

I just think it is time to go ahead and say, you know, we are in charge, we are going to take responsibility. And, if anything, we need to start talking checks and balances in this town because I don't think we have any with all this runaway spending.

Again, I think this budget spends too much, taxes too much, and borrows too much. And I thank the gentleman from California.

Mr. McGOVERN. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4½ minutes. The gentleman from California has 3½ minutes.

Mr. McGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from Florida.

Mr. HASTINGS of Florida. That is all I need to respond, just very briefly, to my good friend from Savannah/Brunswick when he asked and says that too much money was what the previous President vetoed.

□ 1745

I wonder how much, Madam Speaker, is too much money to care for sick children in America or to ensure that children do not get sick in America?

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute

to our colleague from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, a lot has been said about the last 8 years. And just to make it known, there were a lot of us who weren't happy with the level of spending that went on during that time. We were headed for a fiscal cliff. We knew that. A lot of us knew that, and a lot of us weren't shy in saying it. A lot of us voted against a lot of appropriations bills because they spent too much money.

But when you're headed toward a fiscal cliff, you don't step on the accelerator. And that's what this budget does. We all know or we should know, or we'll claim we knew it when it happens, that the next crisis will be when we try to auction off some Treasury bills that nobody buys. What do we do then? What do we do when nobody wants to lend us money? And we're going to get there, we know we are, because this budget puts us on the track to get there a lot sooner than we would have been otherwise.

That's why this budget needs to be rejected. It's simply too big. I think people know that. And as we go through the appropriations process, I think that will become even clearer.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is an interesting debate that has preceded, and I have to say that I believe that there is great bipartisan concern about where this country is headed. Democrats and Republicans alike both want to get our economy back on track.

As I look at small businesses in Southern California, it's not a Democratic or Republican issue. Small businesses are closing down and people are suffering. As I look at homeowners who are losing their homes, it's not a Democratic or Republican issue. They very much want to be able to enjoy the American dream of owning their home. As I look at people who have lost their jobs, it's not a Democratic or Republican issue. So I believe that Democrats and Republicans alike want us to make sure we get this economy growing again. The question is how do we do it?

It's fascinating as I listen to my friends on the other side of the aisle decry deficit spending under President Bush and then argue that we should dramatically increase the size and scope and reach of government. And very sincerely that is what they've done. As I listened to my friend from Ft. Lauderdale, that is what he has just advocated. I congratulate him for being consistent in making that argument. But there are others who say that the policies of the past 8 years have created the problem that we have right now.

I also want to clarify the record on issues that were raised. I have argued that we could have done better during the time that we were in the majority. But, Madam Speaker, I think it's important to note that with the exception of the Department of Defense, the Department of Homeland Security, and veterans, there were real dollar spending cuts that took place in appropriations bills over the last few years when we were in the majority. I think that the record needs to show that. We did work to try to reduce spending. We could have done better than we did. I will acknowledge that.

But, again, here we are looking at a proposal which dramatically increases the size and scope and reach of the Federal Government.

And I know that President Obama is popular. I like President Obama. I've been enjoying working with him on things in the past. But I'm very troubled in seeing the implementation of what he calls the ''transformation,'' the ''transformation of government.'' I don't believe that it's what the American people want. What they want to do is they want to see us implement policies that will create jobs, that will allow them to keep their homes, that will keep small businesses thriving. That's what they want to see happen. The best way to do that is to use the model that was put forth by John F. Kennedy when, in 1961, he said, you can't encourage economic growth by increasing public expenditures; you can only do it by increasing private investment.

Reject this rule and reject the underlying conference report.

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

Mr. MCGOVERN. Madam Speaker, President Kennedy also said if a free society cannot help the many who are poor, it cannot save the few who are rich. And that's been the problem over the last 8 years is that the emphasis has been on the rich. The tax cuts, the extravagant tax cuts, for the wealthiest individuals that have contributed to our deficit; spending on the war that they wouldn't even pay for that was covered up under emergency spending procedures so it would mask the size of our growing debt. Yes, they made cuts in programs that helped kids and veterans and our elderly and investments in job creation and things that would help stimulate this economy. I don't think that's a record to be proud of.

So we're turning the page. We're actually going to a new chapter here. We have a budget before us that I am proud to defend. This is a budget that creates jobs with targeted investments in affordable health care, clean energy, education. It cuts taxes for middle-income families by more than $1.7 trillion over 10 years. It cuts the deficit by nearly two-thirds in 4 years, and it paves the way for an affordable health care plan.

Forty million of our fellow citizens are without health care. That's a national scandal. And you know what? That reality is one of the reasons why health care costs are soaring. We need to get that under control. We need to deal with the issue of college affordability so we have the best trained, best educated workforce in the entire world. We need to invest in clean energy so we can actually make this transition to clean, renewable sources of energy so we're not dependent on foreign oil, we're not dependent on the same old, same old kind of energy that we have here, that we have relied on for so many years in this country.

So we can either do what my friends on the other side of the aisle have done for 8 years or we can go in a very different direction. And I urge my colleagues that it's time to move in a different direction.

Madam Speaker, I will be offering an amendment to the rule. The amendment provides for timeout authority in this rule which will allow the debate on this conference report to take place over 2 days, giving Members adequate time to read this important report before voting. I hope Members will vote ''yes'' on the amendment and on the previous question and on the rule.

AMENDMENT OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Madam Speaker, I have an amendment to the rule at the desk.

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

The Clerk read the amendment, as follows:

Insert at the end the following new section:

''SEC. 2. The Chair may postpone further consideration of the conference report to such time as may be designated by the Speaker.''

Mr. MCGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on adoption of House Resolution 371, if ordered; and motion to suspend the rules on H.R. 1595, if ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 13, as follows:

[Roll No. 213]

YEAS—240

Abercrombie	Berkley	Braley (IA)
Ackerman	Berman	Bright
Adler (NJ)	Berry	Butterfield
Altmire	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Arcuri	Blumenauer	Cardoza
Baca	Boccieri	Carnahan
Baird	Boren	Carney
Baldwin	Boswell	Carson (IN)
Barrow	Boucher	Castor (FL)
Bean	Boyd	Chandler
Becerra	Brady (PA)	Childers

Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Brown, Corrine
Burgess
Clay
Edwards (TX)
Fallin
Granger
Jackson (IL)
Johnson, Sam
Massa
McKeon
Meeks (NY)
Stark
Wu

□ 1819

Messrs. EHLERS and SOUDER changed their vote from ''yea'' to ''nay.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. FALLIN. Madam Speaker, on rollcall No. 213 I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 185, not voting 13, as follows:

[Roll No. 214]

YEAS—234

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

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)

Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Brown, Corrine
Burgess
Clay
Edwards (TX)
Granger
Jackson (IL)
Johnson, Sam
Massa
McKeon
Melancon
Stark
Watt
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1828

So 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.

BRIAN K. SCHRAMM POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1595.

The Clerk read the title of the bill.

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 pass the bill, H.R. 1595.

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. MCGOVERN. 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 420, noes 0, not voting 12, as follows:

[Roll No. 215]

AYES—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
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
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
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
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
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, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
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
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Brown, Corrine
Burgess
Clay
Edwards (TX)
Granger
Jackson (IL)
Johnson, Sam
Marchant
Massa
McKeon
Stark
Wu

□ 1835

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, on yesterday, Monday, April 27, 2009, I was unavoidably detained by airline flight problems and missed the following votes:

Rollcall vote 207, H. Res. 329, recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana, I would have voted ''aye'';

Rollcall vote 208, H.R. 1746, Pre-Disaster Mitigation Act of 2009, I would have voted ''aye'';

Rollcall vote 209, H. Res. 335, supporting the goals and ideals of National Volunteer Week, I would have voted ''aye.''

CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. SPRATT. Madam Speaker, pursuant to House Resolution 371, I call up the conference report to accompany the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 371, the conference report is considered read.

(For conference report and statement, see proceedings of the House of April 27, 2009, at page H4774.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Madam Speaker, I yield myself 5 minutes.

In resolving the conference this year, we have had a hard hand to play. In the backwash of the Bush administration, we have had to struggle with an economy that is reeling, if not receding. The deficit is deep and the end is nowhere in sight.

President Obama has responded to these challenges head-on, and we have followed his lead with a conference agreement that reflects most of his policies and most of his proposals.

The President has recognized that we have not one but two deficits. The first is an economy running at about 7 percent below its full employment level, or $1 trillion below its potential. To move our economy closer to its capacity, the President signed into law a package of stimulus measures totaling $787 billion in tax cuts and spending increases.

Here is what the Congressional Budget Office says in its analysis of the President's budget: ''The adoption of the American Recovery and Reinvestment Act and very aggressive actions by the Fed and the Treasury will help end the recession this fall.''

Let's hope CBO is right, because it's all but impossible to balance the budget when the economy is in recession. Nevertheless, this year's deficit constitutes 12.3 percent of our gross domestic product. At least two-thirds of that stems from the tax and spending policies undertaken by the Bush administration. Much of the enormous swell in this year's deficit is due to some extraordinary expenditures, such as the Troubled Asset Relief Program, and the consolidation of Freddie Mac and Fannie Mae in the Federal budget, and the American Recovery and Reinvestment Act. The good news is these expenditures are nonrecurring so long as the economy recovers.

The President sent us a budget that will cut the deficit by two-thirds by 2013, from $1.752 trillion this year to $523 billion in 2014. $523 billion is roughly 3 percent of GDP in 2014, and in that sense, it is sustainable, because that's roughly the growth rate in 2014.

The budget embodied in our resolution uses CBO projections, which are less optimistic. Yet it reduces the deficit to $523 billion in 2014, which is 3 percent of GDP, a bit less than the rate of growth in the economy for that year.

Our budget can rightly be called a deficit reduction budget, because it lowers the deficit by $1.2 trillion over 5 years. On the other hand, our budget is not so committed to deficit reduction that it overrides or overlooks other needs. In fact, it takes on topics that previous budgets have found too tough to face, such as health care for millions of Americans who do not have insurance. On top of that it slows down defense spending with an increase of 4 percent and makes a moderate adjustment to non-defense discretionary spending, taking it a bit above this year.

In spite of deficits, the President's budget and our conference report launch some bold initiatives to make our economy more productive and our people more productive. First, in higher education, with an increase in Pell Grants to $5,550; next in health care for the millions, 46 million by one estimate, who are uninsured; and, finally, in alternative energies to lessen our dependence on foreign oil and the depletion of our environment.

As the Budget Committee, we do not make tax policies or write tax bills, but we do set revenue levels with certain assumptions in mind. We have provided revenues sufficient to renew the middle-income tax cuts adopted in 2001 and 2003. These include the 10 percent bracket, the child tax credit and the marital penalty relief bill. We have also assumed revenue levels that allow for the AMT to be patched for 3 years to keep it from burdening middle-income taxpayers for whom it was never intended. We have also assumed in our revenue estimates that the estate tax will be extended at the 2009 levels, leaving exemptions of $3.5 million per decedent in place, in force, in law.

Our Republican colleagues nevertheless complained about our tax policies. Let me read from CBO's nonpartisan analysis of the President's budget, which is very much like our budget: ''Proposed changes in tax policy would reduce revenues by an estimated $1.7 trillion over the next 10 years.'' That's the CBO talking.

The President's major initiatives—health care, energy, education, environment—are all implemented by way of reserve funds, and, let me stress, these reserve funds are all deficit-neutral. They are yet to be funded, and they only become operative to the extent that they are actually funded.

The resolution before us sounds all of these themes, and with a few exceptions, supports the principles underlying the President's budget.

Our resolution is laid out in the form of a 5-year budget using CBO's stricter scoring and CBO's projections of the economy.

□ 1845

OMB has run out its budget over 10 years, but a 5-year budget is not at all unusual.

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

Mr. SPRATT. I yield myself 1 additional minute.

It's the customary time frame for budgeting, and we think that the 5-year budget is particularly appropriate in a year when no one can adequately foresee the future or can even foresee a few years over the horizon.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. I yield myself as much time as I may consume.

Madam Speaker, this is a big moment. This is a moment where Congress is now about to decide the passage of the final conference report of this year's budget. It's the budget of our new President with this new Democratic majority. It's a budget that encapsulates their values, the issues that the majority party ran on, the issues that the majority party did say in their campaigns that they were going to pass.

I did 25 listening sessions in the First Congressional District over the Easter recess, and a lot of constituents were concerned and complained about all of this new government and about all of this spending as if it's something they didn't see coming, to which I answered to most of my constituents: You know what? The President did run on these ideas. The Democrats who took the majority did run on these ideas. These are the things they said that they would do, and now this budget shows that they're doing it.

So honesty and candor are being had with this budget. The description of what it does, however, I would say, is not being candidly handled. It is not being done honestly. If you take a look at an honest accounting of this budget that is now before the floor, there is an additional $1.172 trillion in deficit spending that's occurring here that had been masked away from it.

You've seen the kinds of quotes from some who would describe the enormous vision of this budget as one that will bring a new day in America, where we will look more like a European kind of an economy, like more of a European type of social welfare state. I know a lot of people don't like that description, and in some ways, that description that this converts the American Government into a European welfare state government is not a fair description.

The reason that that's not a fair description is it's not fair to Europe. Under the Maastricht treaty, under which the Europeans allow entrance, this budget would be in violation of it. If you take an honest accounting of this budget, then the deficit never falls below 5 percent of the GDP. We couldn't be allowed into the European Union if this budget passes, which we know the majority has the votes, and it will pass.

This budget doubles the national debt held by the public in about 5½ years, and it triples it in about 10½ years. This budget recreates a whole new system, a whole new precedence. This new precedence changes the whole notion of budgets, the whole concept of what we refer to as the 1974 Budget Act. That budget act was an idea that we've got to get spending under control, that we've got to get our fiscal house in order, that we've got to get the deficit down.

We've got to work on our borrowing. We need to bring fiscal discipline and some limits and some control to the process of taxing and spending in Congress. This doesn't do that. This takes a whole new precedence, and it uses the budget. It perverts the tools within the budget, not to lower the level of spending, not to lower the level of taxing, not to work on reducing the national debt. It uses the budget to increase these things—to engage in an absolute gusher of new spending, of more taxing and of more borrowing.

In fact, the order occurs like this: a huge gusher of new spending, chased by ever-higher taxes which never actually catch up with that spending, which results in a record level of new borrowing. More debt will accumulate under this coming Presidency than under all prior Presidencies combined. That's the budget that we have here before us today.

The chairman talked about the Congressional Budget Office saying taxes are being cut in this budget. That's really an interesting statement. You have to go through so much mental gymnastics to actually rationalize that statement. What this budget does, to be fair, is it takes some current tax rates and keeps them current—the Child Tax Credit, the Marriage Penalty Relief, some of the lower income tax brackets. So it doesn't cut those taxes. It just keeps them where they are.

Under this budget, the alternative minimum tax kicks in in full force in 3 years, hitting at that time about 30 million families with an average of $2,000 of more taxes.

It raises the tax rates on income that most small businesses pay, so they'll pay a tax rate higher than that of the largest corporations. It raises the tax rates on the very investments, capital gains and dividends that make up our pension funds, our 401(k) plans, our college savings plans that are now down by 40 percent. So it has not only the largest tax increase in American history and not only the largest spending increase in American history but the largest debt increase ever. That's not budgeting. That's irresponsibility.

So we, obviously, have a difference of opinion with this budget. While we criticize this, we brought to the floor our own budget to say how we would do things differently, and we've got to get our taxes low to grow this economy. We've got to control spending so that we can have government live within its means so that we can get our debt paid off.

At the end of the day, the question is whether or not we're going to do good in this generation by the next generation, whether or not we're going to take on the fiscal challenges that are confronting this country and this generation today so that future generations of Americans can continue to enjoy the high standards of living that we have enjoyed, whether Americans can still test the boundaries of prosperity and society or whether we're going to go down that sliding scale, that slippery slope of giving the next generation an inferior standard of living.

It is a quantifiable, irrefutable fact that this budget puts us on that glide path to giving the next generation an inferior standard of living, an ocean of debt, a sea of higher taxes and spending as far as the eye can see. This budget should not pass. Unfortunately, this budget will pass.

With that, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

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

Ms. KAPTUR. I thank the distinguished chairman for yielding.

Madam Speaker, I rise in support of the 2010 budget resolution conference report, and I commend the chairman for his diligent work, as well as the other conferees, to produce a budget to grow our economy and to restore discipline, finally, to America's accounts.

The key to our Nation's future is a strong, robust economy, and this budget leads us in that direction. It also meets our commitments to our veterans by including a substantial increase from the 2009 veterans' services.

I ask my colleagues to support this resolution. Again, I thank the very able Budget chairman, Congressman SPRATT of South Carolina, for his incredible work.

I rise today in support of the 2010 Budget Resolution Conference Report. I wish to applaud Chairmam SPRATT and the other conferees for their diligent work on behalf of our nation.

The key to our nation's future is a a strong, robust economy built on the foundation of resilient citizens working hard to produce goods and services. The Budget Resolution supports revitalization of our economy through investing in education and energy independence, both of which keep us competitive globally while protecting our national interests.

In addition, this Budget Resolution aims to cut the deficit by nearly two-thirds while maintaining our commitment to our nation's veterans by including an 11.7 percent increase from 2009 for veteran's services. This is critical as we address our aging veterans and those who struggle with PTSD and other war-related injuries.

I ask my colleagues to support this resolution.

Mr. SPRATT. Madam Speaker, I now yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, I rise in strong support today of this conference report for the fiscal year 2010 budget resolution.

I want to commend Chairman SPRATT and the members of the committee for bringing us a budget which will put America on a path toward fiscal health and a competitive future by investing in our key priorities of education, health care and energy.

This budget resolution will put us on a track to a stronger, fairer 21st century economy that can benefit all Americans. It will help us rebuild our middle class and turn our looming crises—energy, health care and education—into opportunities for prosperity, and it will create a new era of accountability, honesty and transparency for taxpayers.

This budget will allow us to make dramatic changes in two areas that could not be more critical to working families and our economy's recovery, and that is expanding access to affordable health care and coverage and leveraging a more competitive workforce by making college more affordable. For too long, our broken health care system has threatened both our fiscal and our medical health. Millions of Americans currently lack health care coverage, a figure that is growing daily as more workers lose their jobs and, therefore, their health care benefits. Millions of Americans who do not have coverage too often have to choose between quality and affordability, any health care at all or bankruptcy.

This conference report will also give us the opportunity to give much needed relief to families who are finding it harder and harder to pay for college while losing jobs and income. Some families have done everything right—saving, working hard, giving their children a good education—only to find out that their plans have changed by the economic downturn.

In this legislation, because of the reconciliation instructions, we will be able to take and recycle the money that now goes to banks for fees and commissions to the student loan program, and we will be able to use that to improve and to increase the Pell Grant scholarship program so that we'll be able to make sure that that keeps track with the cost of education. For those young people who are in the most financial need and who are fully qualified to go to college, we will be sure that they will be able to do that. That's all because of this budget resolution put together by this committee, and we should support this conference report.

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I would like to yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Madam Speaker, tonight I rise in opposition to this budget, a budget that will hurt the American people. People who live in the real world, people who work for a living understand that you can't spend money that you don't have. These people don't need to hear from us about sacrifice. They sacrifice every day—the mother and father who sacrifice by cutting back at home to make sure their daughter has the school supplies that she needs, the business

owner who sacrifices to make sure that she can meet this month's payroll. They're making tough decisions and are living off bare bones budgets, but they look up here to Washington, and they see we're spending more money than we ever have.

So it's no wonder that they're angry. It's no wonder that they're fed up with wasteful spending. They should be mad. They know it and so do we.

This budget taxes too much, borrows too much and spends too much. This budget is just another example of how Democrats fail to understand the commonsense values that Americans use every day. The worst thing you can do in a recession is raise taxes. John F. Kennedy knew it and Ronald Reagan knew it. Apparently, the current President doesn't get it because raising taxes is exactly what President Obama's budget does to the tune of well over $1.5 trillion, much of which will be placed squarely on the shoulders of my State's number 1 job creator—the small businessperson.

The truth is that, despite all the claims to the contrary, this budget won't create new jobs back home. It won't grow our economy. It will pass on debt to children because of bad decisions and bad debt. People back home deserve better, Madam Speaker. My children, as do yours, deserve better, Madam Speaker. I urge my colleagues to vote against this Democrat budget.

Mr. SPRATT. Before yielding to Mr. BECERRA of California, I would like simply to make two or three clarifications.

You've heard it repeatedly said in this debate that this is a big spending bill, and it is, but it brings spending down from $3.9 trillion outlays this year to $3.6 trillion outlays next year—a reduction in spending of $300 billion. As for revenues, we don't raise revenues. We cut revenues by $764 billion over 5 years and by $1.7 trillion over 10 years. Those are the facts. That's the truth.

I now recognize for 2 minutes the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the chairman for yielding, and I congratulate him on his work, once again, in putting forth a budget that America can be proud of.

Madam Speaker, when President Barack Obama took office, he inherited a plane that was in a fast nosedive into the ground. He said we're going to pick up America and do the best we can. Many Americans have recognized that, but some haven't. I would like to give you the words of a couple of Americans who have recognized that. President Obama, in working with this Congress, is trying to make a difference.

In the words of Commander Raymond Dempsey of the Disabled American Veterans, ''This is all good news for our Nation's veterans. The budget agreement signals that veterans are, indeed, a national priority'' or in the words of Mr. Robert Wallace, the executive director of the Veterans of Foreign Wars of the United States, who says, ''On behalf of the 2.2 million men and women of the Veterans of Foreign Wars of the United States and its auxiliaries, I would like to offer the VFW's strongest possible support for the conference agreement for the FY 2010 budget. The VFW salutes your strong leadership in quickly coming to this agreement, especially one that makes so many meaningful and valuable improvements to the Department of Veterans Affairs. We strongly encourage all in Congress to follow your lead and adopt this conference report.''

Is it a perfect budget? No, it's not. It's difficult to be perfect when you inherit a $1.3 trillion deficit and when the plane is going down into the ditch, but the President, in working with this Congress, is trying to make a difference. There are some people, including our veterans, who recognize that.

For that reason, Madam Speaker, I hope that every single Member of this Congress recognizes that people who have given in many different ways recognize it's time to put our money where our mouth is and to vote for this budget.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS) from the Budget Committee.

Mrs. LUMMIS. Madam Speaker, ever since I came here I've been hearing the majority party say that they inherited this deficit, and so they have no recourse except to double it in 5 years and then to triple it in 10. That is not a grown-up response to inheriting a deficit. The grown-up response is to be responsible with discretionary spending and taxes.

□ 1900

With regard to taxes, Madam Speaker, if the government increased the top tax rate from the current rate of 35 percent to 100 percent, it would only collect an extra $400 billion this year. In other words, confiscating all of the income that is currently taxed at 35 percent, the highest tax rate, would not raise enough revenue to cover any of the annual deficits projected in the next 10 years.

There is no way the tax hikes on the rich alone can pay for the proposed spending in the current budget. The tax hikes are going to fall on working-class Americans and on poor Americans. This is no way to run a household, and Madam Speaker, it is no way to run this House.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank the chairman for yielding.

Madam Speaker, the question before the Congress and before the country is how do we get the economy to recover, how do we put people back to work and see their retirement savings grow again, their home equity rise again.

One of the ways that needs to be done is to stop our addiction to imported foreign oil, and this budget takes an important step forward.

It's important to understand what the budget does and does not do.

What the budget does not do is make a judgment on the so-called cap-and-trade proposals. At another time, on another piece of legislation, the House will debate and decide what to do about that. What the budget does, however, is to increase by about 10 percent our investment in ridding ourselves of that addiction to imported oil.

What we say is building on the work in the economic recovery law, let's put Americans back to work building a smart grid that can take wind energy and other energy and spread it throughout our system. Let's put Americans to work building a hydrogen plant, solar farms, other forms of clean renewable energy and create green collar jobs. Let's retrofit existing buildings so they have a smaller carbon footprint and costs the owners and operators less to do.

This budget represents the most significant investment in green technology and green jobs in the history of the country, and it does so because we recognize that an important part of the answer to the question of how to restore prosperity and create jobs for our constituents is to invest in clean energy and green collar jobs. So whether it is tax credits, loans, or other investments, this budget takes us a very long way towards that very laudable goal.

A ''yes'' vote for this budget is a ''yes'' vote for a new strategy that will liberate us from the addiction of imported oil and grow jobs in our families and our communities.

I would urge a ''yes'' vote.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise in opposition to this budget conference report.

Tomorrow, the President will have completed 100 days in office. The American people look back on these 100 days and what do they see from this Congress but a blizzard of spending. We've seen an over $1 trillion stimulus package, an omnibus appropriations bill that we called for a freeze on that, instead, will spend over $400 billion in spending. The stimulus package, we called for something that spent half as much money and would have created twice as many jobs according to the economic projections that were relied upon.

Now, the capstone of this first 100 days is an unbelievable budget conference report that projects to spend more than $3.5 trillion this coming year and which forecasts budget deficits as far as the eye can see.

Much has been made about the fact that this year, the budget deficit will be approximately $1.7 trillion, but that includes the $1 trillion in spending. It includes the omnibus appropriations

bill that we talked about here. And yet at the end of this time, the majority feels that it is worth boasting that we will have cut that deficit by two-thirds, to more than $500 billion. In the entire history of this country, our budget deficit has exceeded $500 billion only once or twice to this point. Yet this budget plan projects $500 billion budget deficits for as far as the eye can see and raises our national debt over the next decade to more than $23 trillion.

We talk about these numbers like they are abstract concepts. A million dollars is a stack of thousand dollar bills 4 inches high. A trillion dollars is a stack of thousand dollar bills 63 miles high. For just this next year, we project a deficit of more than $1.2 trillion, 75 miles high up into outer space. And that's where this budget belongs.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Thank you, Mr. Chairman, for your great work on this budget.

The budget is more than numbers on a page. It is a statement of priorities and values and goals of our President, the Congress, and our Nation. The budget embraces the President's goals of rebuilding the economy and creating new jobs, restoring fiscal integrity and making investments for our future prosperity and security.

Simply put, we will not be economically competitive unless we meet these economic and fiscal challenges and make these essential investments. This budget meets these goals. It sets us on a path towards health care reform with a goal of containing costs, improving quality, and expanding access to coverage.

We hear about the 47 million Americans without insurance. But they are also more than numbers. When I was back in the district a couple weeks ago, I was visiting a local college, Penn State Abington. It's a commuter campus of Penn State in my district. I met with a panel of young people, all articulate, all bright, all working hard at school.

One young woman, 21 years old, said she was a daughter of a single mother who makes about $20,000 a year. She's not an only child. She had been covered by CHIP, the Children's Health Insurance Program, until she was too old. She is now a full-time student. She works almost full time to make ends meet. She tried to get health insurance, and she simply couldn't afford it. She recently got sick and went to the hospital and now has a bill for $7,000, a bill she worries about every day, a debt she doesn't know how she will ever repay, and, of course, she worries about getting sick again in the future.

This budget enables Congress to develop a uniquely American solution to both coverage and costs so that that young woman and the millions like her without health coverage will be able to get it, a plan that will include and be built on innovation, technology, incentives for an effective delivery system, renewed commitment to prevention and consumer protections in a private and public marketplace.

We cannot sustain the status quo, nor should we. It's about time for us to pass this budget resolution and get to the task ahead.

Mr. RYAN of Wisconsin. Madam Speaker, I would yield 3 minutes to the gentleman from the Budget Committee, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Madam Speaker, let's cut right to the chase. This budget is an attack on freedom. It's an assault on fundamental liberties. I mean, you just go down the line. Tax increases, record tax increases in this bill which deny opportunities to Americans to use their money to spend on their goals, their dreams, their kids, their grandkids—the largest tax increase in history.

Spending. Unprecedented levels of spending. We've heard all the stats, but this budget piles up more spending over the next decade than the previous 43 Presidents combined. We've heard it ''from George to George,'' from Washington to Bush, we don't pile up as much deficit as we do over the next decade with this budget—denying future Americans the opportunities they need to achieve their goals and their dreams, to reach what we would all call the American Dream.

Third, further nationalizes health care. Think about this. The ability to make health care decisions should be between you and your family and your physician, you and your family and your personal doctor, not some board in Washington, not some bureaucrats in D.C. who think they know all the answers. Again, denial of freedom and liberty for Americans across the board.

Then finally, let me finish with this. Cap-and-trade, the largest energy tax in history. It will require every single American, all 304 million Americans, to pay more because now energy is going to cost more, which means everything we produce will cost more. Every single American will pay more, hurting us at a time when we're trying to get out of a recession.

Any four of these are bad anytime. But to do all four when we're trying to recover from a recession just makes no sense. This cap-and-trade, the Heritage Foundation did a study released 1 month ago. Districts that are heavy in manufacturing—like the one I have the privilege of representing—are so hard hit because you have got to have energy to produce the goods and services that our economy requires. If you want to be the leading economy in the world, you have to have energy. This thing is going to lead to an energy tax that will be unprecedented.

Again, up and down the line we deny liberty, we deny opportunity to Americans with this budget. That's why I would urge my colleagues to vote ''no.''

Mr. RYAN of Wisconsin. Madam Speaker, may I inquire how much time remains?

The SPEAKER pro tempore. Five-and-a-half. Five-and-a-half.

Mr. SPRATT. Madam Speaker, I yield 90 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, the House deserves an accurate record before it renders judgment on this budget. It's important that we know that accurate record.

We've heard that the budget imposes ''the largest energy tax in history.'' That is not so. The budget does not refer to cap-and-trade. It doesn't impose energy taxes on families the way that it was described. It simply isn't the case.

We've heard that the budget ''nationalizes health care.'' The fact of the matter is that the budget sets up a process where this House will consider and debate legislation that will help to reduce costs for covered Americans and extend insurance to Americans who do not have coverage. There is nothing about nationalization of health care.

We've heard consistently that this has a significant tax increase on small businesses. The fact of the matter is that any tax change that is contemplated in the health care plan will be limited to a repeal of the tax breaks the prior administration gave the wealthiest Americans. The record shows that 98 percent of small business filers will not be included in any such consideration.

Finally, we hear that the budget doubles the deficit, one of the Members on the other side said. Not so. This budget reduces the deficit by two-thirds, but more importantly and profoundly, it puts us back on a path to the economic growth and prosperity which preceded the prior administration.

Mr. RYAN of Wisconsin. Madam Speaker, I would like to yield 2½ minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I have got a letter here I would like to read to my colleagues that lets you know exactly what we're doing to the American people.

This is a letter from some people in Carmel, Indiana. They start off:

''Dear Congressman BURTON:

''As an 82-year-old retired secondary teacher and athletics coach, I am writing you this letter to let you know that I have never received a personal response from a legislative representative of local, State, or Nation.'' And he just got a letter from me.

Then he says, ''In my original letter I was not able to express totally the depth of my hurt from the current economic environment sweeping our beloved country. Beyond the economic pressures of the day, we are faced with the collapse of capitalism and the inroads of socialism into our government. My wife and I, celebrating our

60th wedding anniversary in 2009, have lived through the thirties depression and skimped and clawed our way from earning $2,900 annually to a magnificent dollar amount of $45,000 annually at retirement in 1990.

''It all started in the late fall of 2007. We had invested and saved a considerable amount of money for a satisfactory retirement. Since that date, our conservative living, and a very modest budget, has seen the national economy lose more than $250,000 of our retirement savings. Frankly, at this point in time, we're scared to death.

''You may, and we wish that you would, send copies of this letter to President Obama, Speaker PELOSI and Majority Leader REID. They have no idea what they are doing to we constituents.

''I am sorry to cry on your shoulders, but my wife and I in concurrence do thank you for your wonderful letter of response. You touched our hearts deeply.''

□ 1915

''They have no idea what they are doing to America and your constituents.''

This is a big problem. This is the largest budget in history, the largest tax increase in history. You really need to know what you are doing to the American people, and here is a perfect example. And the people's names are Mr. and Mrs. Shipley.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much.

To my good friend from Indiana, we do respect the individuality of Americans. We are the pull ourselves up by the bootstraps, and we are the fighting and the tough; and we get going when it gets tough.

This budget is an American budget. It respects the uniqueness of America. And we don't take away from people who have theirs, but what we do recognize is that we will not be the greatest country that we want to be if we don't bring everyone up at the same time. And so this legislation reflects that.

And in particular, I think it is important to note that we do address rising costs in health care. It is going up. We are going to address the question of physician/patient relationship. We are going to set us on a path to increased coverage and to provide a pay-for.

We recognize that this is an element of the American psyche; I have been working hard, I want to see others working hard. But Madam Speaker, it is important that this budget reflect the fact that people are hurting, people are in need.

We need an economic recovery to get this economy right-side up and allow it to turn and then allow us to invent and build. That is why I am supporting this budget, because even in Texas, the oil capital of the Nation in Houston, Texas, we are looking toward increasing energy programs, providing for alternative energies. This legislation accommodates promoting energy independence, also a seamless energy policy.

I believe this is the right direction to go. This is a budget that respects America and Americans, and it believes in getting us on the right track.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 3 minutes to the vice ranking member of the Budget Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I have listened very carefully to this debate, as short as it is, Madam Speaker. I have listened to my friend, the distinguished vice chairman, the gentlelady from Pennsylvania, say that these budgets are about values more than numbers. I couldn't agree with her more. It is clear that the Democratic budget values spending. It is clear that the Democratic budget values taxing. It is clear that the Democratic budget values debt, debt as far as the eye can see, Madam Speaker.

Now, almost without exception, Democrat after Democrat Member have come to issue a history lesson to Members of this body. Well, I have a history lesson of my own. When Republicans were in control of Congress and budget deficits were $300 billion and falling, the gentleman from Maryland, who is now our majority leader, said, ''They have instigated a dangerous spiral of deficits and debt that constitute nothing less than fiscal child abuse.'' The gentlelady from California, who is now our Speaker—again, when the Republicans controlled the body, we had deficits $300 billion and falling—said, ''This is immoral, irresponsible and just totally immoral to ask for my children and grandchildren to pay for it.'' And now, Madam Speaker, on their watch, the deficit has gone from roughly $160 billion to $1.8 trillion, and there is silence, stone cold silence. Where are the accusations now of fiscal child abuse?

This is a budget that will place more debt on our children than has ever been placed before. This is a budget that in 10 years will triple the national debt, create more debt in the next 10 years than in the previous 220 years of our history. Yet, where are my Democratic colleagues to talk about the fiscal child abuse?

Spending. Increasing spending almost 9 percent. Almost every family budget that pays for the Federal budget is having to cut back, but not the government, no, no, no, no, no, not the government budget.

You know, Madam Speaker, there was a time in our Nation's history where people believed that you work hard today so your children could have a better tomorrow. And this Democratic budget takes that ethic, turns it on its head and says, we will let government live easier today so our children have to work harder tomorrow.

That is not the America I grew up in. It is not the America I want to leave to my 7-year-old daughter and my 5-year-old son. There is a better way.

Madam Speaker, you cannot borrow and spend your way into prosperity. This is a budget that is not solving the Nation's economic crisis; it is exploiting the Nation's economic crisis. It must be rejected.

Mr. SPRATT. Madam Speaker, I yield 30 seconds to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I just want to make it very clear—not only on behalf of myself, but all of my colleagues. We have spoken quite a bit about, yes, the values and the investments we are making in this budget, but we have also spoken about our deep concern and our responsibility going forward on the debt.

Let's be clear; this administration and this Congress inherited a $1.3 trillion deficit for this year. And yes, there were some additions made because of the terrible economy we are in, the need to respond to this economic situation and to create those new jobs. And this budget makes a commitment to reduce the annual deficit by two-thirds in 5 years, an ambitious goal, and one we are determined to meet.

The SPEAKER pro tempore. The gentleman from Wisconsin has 1½ minutes remaining. The gentleman from South Carolina has 2 minutes remaining.

Mr. RYAN of Wisconsin. Madam Speaker, I will consume my 1½ minutes.

Madam Speaker, let me just address what has been said here. This President inherited a terrible fiscal crisis. Well, you know what this President inherited? It inherited a Democratic majority that ran Congress for the last 2 years that gave us all of this spending and these higher deficits.

But here is the question; yes, there is a bad fiscal situation on our hands in this country. Yes, the President inherited a difficult situation. The question is, is he making it better or is he making it worse? All of these complaints about the higher deficit that has been inherited, about this spending that has occurred over the last 8 years, and what is the response? More of it. More spending, more deficits, more debt.

One of the reasons why the majority decided not to follow the President's lead with a 10-year budget and go with a 5-year budget is because the day after the 5-year budget, the deficit goes right back on up. One of the reasons why they put all these gimmicks in this bill was to try and make that deficit look as if it were smaller than it actually is. You take the gimmicks away, it is another $1.127 trillion in deficit spending. The deficit never gets to 3 percent of GDP, which all economists from the right and left think is unsustainable. This budget puts us on an unsustainable course.

Madam Speaker, we are going to be back here again talking about what to do to fix the budget because this budget will need fixing, and that's going to happen.

The SPEAKER pro tempore. The gentleman from South Carolina has 2 minutes remaining.

Mr. SPRATT. Madam Speaker, I yield myself the balance of my time.

The gentleman from Texas said this was not the America he grew up in, but he grew up in Mr. Bush's America. During the 8 years of the Bush administration, the President came into office, we had a debt in this country of a little over $5 trillion. When he left office, the debt was a little over $12 trillion, and a deficit of $1.845 trillion. So a lot of last year's deficit becomes this year's debt. A lot of that debt was attributable to what happened in the last administration, too.

He said it continually, we increase spending. Once again, in terms of outlays, this bill will decrease spending by $300 billion, from $3.9 trillion—which is way too much—to $3.6 trillion. That is a $300 billion reduction.

As for taxes, raising taxes, this bill cuts taxes by $764 billion over 5 years and by $1.7 trillion over 10 years. Those are the facts. It can't be refuted. And that is why I think you can fairly and rightly say this is a deficit reduction bill which nevertheless accommodates values that we consider good for the country.

We will pick up tomorrow, I suppose, Madam Speaker.

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

The SPEAKER pro tempore. Pursuant to clause 2 of House Resolution 371, further consideration on the conference report is postponed.

GENERAL LEAVE

Mr. SPRATT. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert material relevant to consideration of S. Con. Res. 13.

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

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore (Mr. GRAYSON). Pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly, in addition to Mr. TANNER of Tennessee, Chairman, appointed on February 13, 2009:

Mrs. TAUSCHER, California, Vice Chairman
Mr. ROSS, Arkansas
Mr. CHANDLER, Kentucky
Mr. LARSON, Connecticut
Mr. MEEK, Florida
Mr. SCOTT, Georgia
Ms. BEAN, Illinois

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. PASTOR, Arizona, Chairman
Ms. GIFFORDS, Arizona, Vice Chairman
Ms. LINDA SÁNCHEZ, California
Mr. FILNER, California
Mr. REYES, Texas
Mr. RODRIGUEZ, Texas
Mr. GENE GREEN, Texas

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. HINCHEY, New York
Mr. HALL, New York

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF CONGRESSIONAL HUNGER FELLOWS PROGRAM

The SPEAKER pro tempore. Pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member to the Board of Trustees of the Congressional Hunger Fellows Program for a term of 4 years:

Mr. JAMES P. MCGOVERN, Worcester, Massachusetts

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4303, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Ms. WOOLSEY, California

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 2004(b), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Harry S Truman Scholarship Foundation:

Mr. SKELTON, Missouri

APPOINTMENT OF MEMBERS TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. Pursuant to 16 U.S.C. 431 note, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. MOORE, Kansas
Mr. BOSWELL, Iowa

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2501, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. LARSON, Connecticut

APPOINTMENT OF MEMBER TO JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2903, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Japan-United States Friendship Commission:

Mr. MCDERMOTT, Washington

APPOINTMENT OF MEMBER TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Abraham Lincoln Bicentennial Commission:

Mr. JACKSON, Illinois

□ 1930

JASON'S LAW

(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, tragically on March 5 of 2009, one of Schoharie County's citizens from my congressional district, Jason Rivenburg, pulled his truck into an abandoned gas station frequently used by truckers in South Carolina as a rest stop, and was then and there violently and senselessly shot and murdered, robbed for a meager $7. At the time of his death, Jason was a mere 12 miles from his destination but was unable to make his delivery because he was too early.

Jason Rivenburg was 35 years old, leaving behind his wife, Hope, and son,

Josh. They had just moved into a new home. As if that stress was not enough, shortly after his death, Jason's widow delivered two healthy twins, a boy named Hezekiah, after his grandfather, and a girl named Logan.

Rivenburg's death sparked outrage and an outpouring of support for the family across our country. Truckers and family members are demanding that the government do more to protect truckers who risk their lives following rules that require that they pull over and rest after a certain amount of driving time.

There are few resources telling truck drivers, who are often unfamiliar with a local area, where a safe place to rest might be. Moreover, there are few safe places to rest in the first place.

Mr. Speaker, we must do more to support these incredibly important men and women. Moving our freight and goods is essential to keeping this country and our economy progressing. We must ensure that as we demand mandatory stops and on-time delivery that we provide adequate support systems for our Nation's truck drivers.

Mr. Speaker, I ask that my colleagues support the life and memory of a truly hardworking American man and support Jason's Law, which I am sponsoring.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

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

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

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

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

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

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

(Ms. KAPTUR 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 North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY 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 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.)

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

(Mr. HUNTER 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 Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

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

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

(Ms. JENKINS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. CONAWAY 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

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

HEALTH CARE FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, I am glad to be back here on the House floor this evening to join you and our colleagues in talking about an issue that is of rising importance to millions of Americans, and that is the issue of guaranteeing a seamless and affordable and quality health care system for the American public.

Mr. Speaker, we are here to talk about health care for America. It's a pretty simple concept, and over a number of years, the desire and the call from the American public has become more and more acute. I'm glad to be here with my good friend from Wisconsin, Representative KAGEN, and others who may join us here throughout our hour or a portion thereof to talk about both the need for reform and some of the ideas that are floating around this Chamber to get us there.

I stand here with new evidence from the American public that they are more desirous of change than ever, not a preservation of the status quo, not incremental reform, not a Band-Aid fix to the problem, but real reform.

A recent survey of Americans by the Kaiser Health Foundation showed that over 60 percent of Americans believe it is more important now than ever, than ever, to pass comprehensive health care reform. Those same individuals reported that they are having more problems than ever, more problems than ever, accessing care.

Forty-two percent of Americans in that recent poll said they relied on home remedies or over-the-counter drugs to take care of their illnesses because they couldn't afford the prescription. Thirty-six percent of people reported that they skipped dental care or a visit to the dentist because they couldn't afford it. Thirty-three percent of Americans said they put off or postponed care that they knew they needed because they could not afford it. Twenty-nine percent said they didn't fill a prescription because they couldn't afford it. And 18 percent of Americans, nearly one in five, said that they cut pills in half that they were due to take because they wanted the prescription to last longer.

Mr. KAGEN, Mr. Speaker, and my colleagues, this is the most affluent country in the Nation, the most free, the most powerful. What does it say about the conscience of a nation that one in five Americans are sitting at their kitchen table, sitting and standing next to their bathroom sink, cutting prescription drugs in half because they

can't afford to pay for the full prescription? And what does it say in this country that forces so many Americans, most of whom are playing by the rules, doing everything we ask? We know that study after study tells us that of the nearly 50 million uninsured in this country, five out of six are a member of a family with a full-time worker. More and more often you're working, you're doing everything you're supposed to, and you can't get insurance or the insurance plan that your employer presents you puts more and more of the burden on paying it onto the employee. We know that for all these people that are playing by the rules, for all these people that don't have health care insurance, they live amidst a health care system that spends more on health care than any other country in the world. We spent $2.2 trillion on health care last year, Mr. KAGEN, about an average of $7,400 per person, nearly double what every other country in the First World spends. And what do we get for it? We get a system that leaves almost 50 million without health care insurance, and we get a system that by and large ranks in the middle to lower tier with regard to health care outcomes in the world.

In fact, another new study that just came out suggests that the United States amongst industrial nations ranks last, ranks last, in addressing the issue of preventable mortality; that in preventable deaths, this health care system does worse than every other industrialized nation in the world.

The facts are clear. For too many people out there, health care has become unattainable. For too many that have health care insurance, they're going bankrupt just trying to pay their portion of the bills. And the system overall is bankrupting not just this government but is bankrupting and putting out of business too many businesses, both small and large, throughout this country. Big businesses, small businesses, families, individuals, all asking with voices louder than ever that this year right now this Congress step up and fix this problem. It's the right thing to do. It's the right thing to do from the perspective of conscience. It's the right thing to do from the perspective of health care, and it's the right thing to do from the perspective of economic recovery and revitalization. So we are here tonight to talk about this challenge that's laid before and presented to this government.

Mr. KAGEN and I came here in the same class, and we got here amidst probably a record degree of cynicism about what government can accomplish but in particular what Washington can accomplish. Now, it's gotten a little bit better since the election of President Obama, but there are still far too many people out there who look at the depth and the severity of this problem, the health care problem, and doubt whether Congress and this place has the ability to rise to the challenge.

We're here to say that it absolutely does. We are here to say that this is a unique moment in time, coming fresh off of an election with a mandate on health care, with a House full of Members who want reform, with a Senate full of Members who want reform, and with an administration that has made it one of their priorities that we can do it now.

Now, we may all have, as we will probably discuss over the course of the next hour, varying ideas on how we get there. And in the end for every single one of us when we go to press that green or red button on a comprehensive health care reform bill, there is going to be an element of a leap of faith. We are all going to have to cast aside the perfect for the benefit of the good. But it is time that we stopped arguing over the perfect system and started making some real improvements, big improvements, comprehensive, transformational improvements. I think that's where we will get to this year.

And I'm glad to have some of my colleagues on the floor of the House to talk about this tonight, in particular the doctor of the House, Representative STEVE KAGEN.

Mr. KAGEN. Thank you, Congressman MURPHY. It's good to be with you again on the House floor where we can begin to discuss with the American people about progress we can make together. And only by working together are we going to bring about the changes that we need.

Now, we did come here in 2006, November. We came for orientation. And we came with a message, and the message was about positive change. Now, I will just give you the good news. Just in case people haven't heard it across the country, there has been a change in Washington. We now have a President who can actually think things all the way through, someone who's really on our side for the changes that we need. And what have we done so far?

Well, for the Meronek family that I have the honor of representing, this is a photo of Wendy and her 3-month-old child. And they didn't have access to a doctor at the doctor's office. She had access at the emergency room because she didn't have any health care at all. She was qualified for SCHIP but it wasn't fully funded. We passed SCHIP in our first term here in the 110th Congress. We passed it and the President signed it. And the very first thing that the President did for this country this year was to pass legislation that guaranteed that children who are most in need have access to the doctor in the doctor's office. It reduces taxes, reduces our costs, increases the health for our children, and prevents problems from getting worse. It's good for people's health and it's good for our budget. So we began to take that positive change by helping children.

We also passed a bill that may not seem to be too related to health care, Lilly Ledbetter. This was a bill that guaranteed equal pay for women.

Now, of all of you here in the gallery, a few of you that might be here tonight, raise your hand if you're against equal pay for women. Raise your hand if you're against providing health care to children who are most in need at the doctor's office.

□ 1945

I don't think we see a hand going up. Women and children first, that is what this 111th Congress has done with the help of President Obama and his leadership.

I have here a few postcards I have received from my constituents in northeast Wisconsin that pretty well tell it like it is.

David and Dianne from Appleton: ''We have health insurance, but cannot afford to use it.'' Now, that is a problem, when you have health insurance coverage and the only thing it guarantees is that the insurance company is going to take the money, then you have to fight like heck to get the money back. They have high deductibles and can't afford to use the insurance they have.

From Luxembourg, Wisconsin, Jim says, ''My wife and I have preexisting conditions with our health. Right now, we pay $3,000 a year after 80 percent is already paid.''

''Preexisting conditions.'' It is time that we applied our constitutional rights that prevent us from suffering from discrimination by the health care industry. No discrimination. No citizen, no legal resident in this country anywhere should be discriminated against because of the color of their skin, and likewise they should not suffer from discrimination because of the chemistry of their skin. No discrimination based on the content of their heart. Well, what about the content of the arteries of their heart? We need to pass legislation that guarantees that no one will suffer from discrimination due to preexisting conditions.

Here is a card from Albert from Crivitz, Wisconsin, who writes, ''Without a job that pays a fair wage, I won't have money to pay for health care, for gas, for a war, for Social Security or anything else.''

It is really tough to separate health care from our economy and our economic recession from the loss of the 6 million jobs during the last 12 months. We have to put this thing all together. One thing directly affects the other.

Here is Kathleen from DePere, Wisconsin: ''It is time for all Americans to have the same health care benefits as their representatives in Washington.''

Well, that is not a bad start. I think people in our districts understand the situation just as well as we do here in Congress, and we are working very hard to bring about the changes that we need.

I yield to my colleague from Florida, RON KLEIN.

Mr. KLEIN of Florida. Thank you, Dr. KAGEN. Certainly it is an honor and privilege to be here and to talk about

this issue in the House of Representatives, because I know people at home are trying to figure out what it is that they can do, what ideas that they have, what ideas doctors have, hospitals have, caregivers have, to try to fix the system that in the long term is not sustainable.

It is not sustainable through Medicare and Medicaid based on the costs. It is not sustainable if you are a private-sector business and you are providing health care to your employees. You obviously want to do whatever you can to keep them healthy. You spend a lot of time training them, and we want them to come to work every day and be healthy and not have to end up in the hospital where they don't have coverage and obviously all the problems that go along with that.

So we have some serious issues out there, and I think this is one of those moments in time in America where we have to come together. This is not a Democrat, Republican or Independent issue. This is an American issue. This is something where we have to sort of in a nonpartisan way figure out what is working in the system and preserve that, and what is not working in the system and fix that.

There are lots of issues we know that are not working, and I will just give one perfect example, which I know when I am speaking on the floor of the House this evening a lot of people will be able to share and empathize with this scenario I am going to give you.

We have a very close friend. We have known them for many, many years. Their daughter has cystic fibrosis, and it could be any number of diseases that any of our families unfortunately have with their children.

This gentleman owned a business, a family business, for decades, a long, long time, and the business, based on what is going on right now over the last number of months, had to close. Well, fortunately, for all the years that he has been raising his family, they have had a good health insurance plan that the business paid for. Obviously, it was something that gave them peace of mind, knowing that when their daughter needed hospitalization or therapy or treatments, she could get it.

Well, when your business goes out, there is no COBRA, and a lot of people are not aware of that, because there is no underlying policy. The reality is for him to find an insurance policy, a health insurance policy right now that will take care of his daughter with her preexisting condition, that is what it is known as, it is almost impossible to get that coverage, and, if you can get it, it costs a fortune and usually has all sorts of exclusions and limitations.

The same example for women who have had breast cancer. Literally millions of women that have had breast cancer, generally speaking after they have had breast cancer, they are going to have a difficult time getting coverage. And guess who needs it the most? Someone who has cancer. God forbid, if it ever comes back, you want to know if you need surgery or an oncologist or a second opinion or to have whatever, a lumpectomy or whatever it may be, that you will have the hospitalization and care.

Unfortunately, this is a big gap. And ''gap'' is really not giving it the right feeling, because ''gap'' is just a word. But this is a crisis. This is a crisis for families who can't afford or can't get that kind of health insurance. And there is no reason.

There is a very simple answer, obviously. What is insurance? Insurance is supposed to spread the risk. When you have a large pool, when a large corporation has 10,000, 20,000, 100,000 employees, they buy a policy and it spreads the risk. And, God forbid, if one of their employees has a serious illness or car accident, that is covered in the big pool by all the rest the employees. That is how insurance is supposed to work, whether it is homeowner's insurance or any kind of insurance you buy. Health insurance is the same.

The tragedy, of course, is that over time we have allowed a system to develop where there are large gaps in our delivery of health care. We have to fix it. It is the right thing to do.

I will turn it back to the gentleman from Connecticut who is running this discussion tonight and thank him for allowing me to participate.

Mr. MURPHY of Connecticut. Thank you very much, Mr. KLEIN. I am glad you are here with us tonight.

I want to turn over the podium to Representative OLVER from Massachusetts. One of the statistics that stands out, and I know Mr. OLVER is going to talk a little bit about the amount of money we are spending on health care, in 1970 about 7 percent of our gross domestic product was devoted to health care. Since 1970, in 30 to 40 short years we have jumped up to almost 17 percent of our gross domestic product is spent on health care. That number is going to very quickly hit 20, and could get up all the way up to 30 in a very short time if we don't do something about it.

It is always going to be a necessary component of spending, but that kind of growth is just unsustainable as an economy, something that the Appropriations Committee, of which Mr. OLVER is a senior member, will be no doubt grappling with, and I yield to him.

Mr. OLVER. I thank the gentleman for yielding, and I want to thank the gentleman from Connecticut and my friends from Florida and Wisconsin for being here tonight to help to enlighten people about what has become a very, very critical issue for America.

The only agreement that I can see about the debate that we are beginning to have on reform of the health care system is that virtually every American family, all across the board, knows that health insurance is too expensive. For the 50 million or so Americans who don't have any health insurance, it is obviously too expensive or they otherwise would already have it. For the next 50 million who have too little insurance or are underinsured, as it is called, they know it is too expensive when their insurance company refuses to pay for coverage that they thought they had or the insurance company makes a claim that there was a previous condition involved and that may have been why they are now are claiming that they shouldn't pay the money. Or there are a certain number of people who have lost jobs in this economy and thereby have lost their coverage for health insurance, and for them, obviously, the whole situation has gotten out of hand.

Yes, our American health insurance is too expensive. Let me use this first chart and show you what the situation is here.

This is a chart which shows the health care cost as a percentage of gross domestic product in the G–7 countries. The G–7 countries are America and the next six largest economies in the world, except for China. These data, it indicates that the Japanese data are for the year 2005, whereas the other data are for the year 2008.

You can see on the chart that the percentage of health care cost as a percent of their domestic product ranges from 8.2 to 11.1 percent in the other six next largest economies in this world, and here we are up over 15. And, by the way, these data, if you look at 09, fiscal 09, you would probably find that that number 15.3 percent is probably up to 16 percent or a little higher because of the problems with the economy. Health care continues to go up, and people are struggling for that reason.

So we have by far the highest. We are 40 percent roughly higher than the next-highest one of the largest economies, which is the industrial economies with which we compete all the time. And the average of the other six members, our partners in the G–7, their average number is only two-thirds. We are more than 50 percent higher than the average of those other six countries.

So, yes, American health insurance is too expensive, and this huge gap between our health care costs, the burden that that puts on our industries, between that burden in this country versus the others of our major competitors, hurts American businesses and costs us jobs.

You only need to look at the auto industry, where our old icons of Chrysler and General Motors now are struggling, and in large measure because the cost of their health care in this country is so much greater than it is for other countries producing automobiles.

Well, that might be okay, or it might be acceptable, that kind of a cost difference, if we got the best health care. Everyone watching has probably heard a politician tell them that we have the best health care in the world.

Well, we do have the most expensive health care in the world. That chart

very clearly illustrates that we do have the most expensive health care in the world. But I would like to examine that question of whether we have the best health care a little bit more deeply with this chart, which shows what the life expectancy is among the very same heavily industrialized countries, which are our major partners in industry and in commerce and trade around the world. Again, I leave out China, but I am using the G–7 countries. All seven of them are listed there.

What you see on this chart is that life expectancy in the United States is less than each and every one of the other members of the G–7 group, each of the other six partner members in the G–7 largest economies in the world. And if I average the life expectancies in those other six countries, it is 3 years longer than American citizens live. Now, that does not suggest that we have the very best health care in the world or the very best health care that we could have.

Then on this last chart let me just illustrate one more measure of what our health care quality is, and this measure is one that directly affects a huge number of families at the very beginning of life. This is the question of infant mortality in the G–7 countries, where you see the listed number of deaths for children under the age of one. So it is deaths among new infants lower be than the age of one.

Going from Japan, you see 2.7 per 1,000 births, on to 5.5 for Italy per 1,000 births, and the U.S., the highest number of infant deaths that are occurring before the age of 1 year. Again, if you average the six, you find that the infant mortality in the United States is more than 50 percent higher than the average of these six other nations.

So, I think one has to ask the question, after going through all of that, and I have to look and see where the question is on my papers, one has to ask the question, is the assertion that the U.S. has the best health care in the world, basically is it true, is it not true, is it simply a lie?

□ 2000

We ought really to think very carefully while we're doing the reform of our health care system, as we're going to do later this year. We ought to think very carefully about figures like this and a whole bunch of other measures. I could go through a series of other measures that show similar kinds of data, and show that we are not doing as well as we ought to be doing as the richest country in the world. There are reasons for that. We'll have other times to perhaps explore some of those other reasons.

But I'm very pleased that the gentlemen, my friends from Connecticut and Florida and Wisconsin, are taking this up tonight, and that I have been able to bring some little bit of thought to how this is going forward in America. Thank you.

Mr. MURPHY of Connecticut. I thank the gentleman. And those charts really are instructive to let us know what we're getting for the money that we're spending. I don't think it's the worst thing that we spend a little bit more money on health care in this country than the rest of the world. You know, we have relative affluence here. We have a citizenry that very rightly has high expectations, and so I don't necessarily think anybody has a problem that we spend a little bit more on health care. But two questions are raised. One, how much more money should we be spending than other countries; and what are we getting for that money because, listen, Americans, certainly in my district at least, are value shoppers and they're willing to spend money if they're going to get value for it. And the problem is not enough Americans understand that they're not getting what they should be from those health care dollars.

Mr. KAGEN. Would the gentleman yield for a moment?

Mr. MURPHY of Connecticut. Of course.

Mr. KAGEN. Let's not let the facts get in the way of a good argument or a good conversation, but the fact is that 72 million Americans are having great difficulty paying their medical bills as of November of last year. About 47 to 50 million Americans have no health care coverage at all. But let's not let the facts get in the way.

And I certainly appreciate Chairman OLVER reassuring the people in Japan, if they're looking in tonight, or this morning, for them, you know, they've got it pretty good in terms of health care coverage. And our friends in Europe understand that, you know, they don't have to worry about getting sick.

My way of thinking is, as a physician, if you're sick, you should have the reassurance that when you're sick, you're going to have the coverage that means you're going to be in your house, not the poorhouse. If you're a citizen, you should be in the risk pool. It should be just that simple. If you're a citizen, you ought to be in. And if it's in your body, it ought to be covered. We have to find a way to make certain that that works out.

And before I turn and yield to somebody else here in this discussion, not everyone agrees with all these ideas. That's why we have a debate. Here's a person from De Pere, Wisconsin who says, ''I do not want the government involved in health care. The government mismanages money and thinks funds are endless.'' So you see, we have to reassure our citizens, not just in De Pere, but that good government can make a positive difference in your life.

Medicare was a tremendous program when it was first initiated; 16–1 was the ratio of people working versus retired. Now it's down to about 4–1, so there are some things we have to talk about.

Is Medicare sustainable in its current model? It's a great challenge. And can we somehow tease apart and differentiate our economic recession from our ability to pay for our health care costs? I don't think so.

People in my district are telling me, KAGEN, health care costs are just impossible. Small businesses, what are their greater components of their overhead? Energy and health care. And that doesn't matter if you're on Main Street, on Wall Street, or if you're a family farmer in northeast Wisconsin. So we have to attack the greatest cause of bankruptcy today in the country, which is the high cost of medical care.

I am confident that we're going to be able to work out some details to guarantee that if you're a citizen, you're in; that there will be no discrimination due to preexisting conditions; that the price for health care services, for hospital services, for your pills and prescription drugs will not be whatever they can get. It won't be whatever they can get. It'll be whatever they openly disclose, and give every citizen that same discount.

Mr. MURPHY of Connecticut. Will the gentleman yield for a point before Mr. KLEIN jumps in?

You know, that constituent of yours is multiplied, you know, by hundreds in all of our districts. I mean, people throughout this country have a fear of government-run medicine, in part because they hear about anecdotes from some of the countries that Chairman OLVER and others talked about in terms of the wait times. And, again, I think there are moments when facts are really necessary. Study after study shows that if you really do an empirical, data-based survey, wait times are, frankly, worse off in the United States than in many, if not most of those other countries.

And with respect to the one country that does tend to have wait times greater than the United States, Canada, most of those, in fact, all of those, are really for nonessential procedures. And I think it's worthwhile to then sort of mirror back to the United States.

In Canada, one of the things that comes up all the time is that if you want a hip replacement surgery you've got to wait about 6 or 8 weeks. And that's true. And that's a long time to wait, and too long. In the United States, you've got to wait about 2 weeks to get that surgery. But you know who pays for that surgery in the United States? Medicare. The government. So our government-run health care system does a pretty good job at eliminating wait times.

And for those of us who believe that ultimately you're going to have to have some increased footprint of a government-sponsored health care option for individuals and businesses, I think we can find solace in the fact that, although Medicare may not be perfect, it actually does pretty well with regard to at least that one indicator, wait times, compared to some of our other neighboring countries.

Mr. KLEIN.

Mr. KLEIN of Florida. I thank the gentleman. And just to add to that, I

know when I got elected in 1992 to the Florida Legislature, I had a group of people in south Florida that said single payer, that's the way to go. These are mostly senior citizens who thought that was just the best opportunity. Most of the doctors I was talking to who I knew in the community at that time were totally against that.

Well, what's happened now is many of my doctors in our community, who do just wonderful service, are now the ones saying Medicare seems to pay quicker, more efficiently than a lot of the managed care organizations. And I'm not picking on managed care as a whole. There are some that are good and some that are more difficult to deal with.

But I think the point of this all is that Medicare has generally worked fairly well. I think most seniors are pretty satisfied with a lot of things. It's not perfect, but I think that we understand that.

But if we think about, you know, what is it that, again, recognizing the different pieces here. We have a lot of people that retire to Florida, where I live, pre-Medicare; 55, 58, 59 years old. Maybe they're in business or work for some government up in the northern part of the country or from some other part of the country, and all of a sudden they don't have health care that transfers to Florida, and they can't buy health care because of a preexisting condition or any number of other things.

So what some of them have said is, why aren't we allowed to buy into Medicare on our dime? No government subsidy, just allow us to pay whatever the premium would be. And that's a very interesting idea. I think, again, just trying to think outside of the box, and there's not one silver bullet that's going to solve all these things. There may be some ideas for us to consider.

And another idea is, a lot of small businesses, we know that we like the idea of small businesses pooling their 12 employees here and 16 employees there, and 5 employees here, and 80 there to get to the larger critical mass so they can spread the risk again. Better price, better service, spreading the risk.

Why not allow those small businesses to buy into our State health care system or the Federal, you know, the employees for the Federal Government, again, on their dime. But we already know, we did some pricing on this, and the cost is far below what the private insurance companies would charge them.

So, you know, there are a lot of ideas out here. And I think what we really need to be doing right now is asking Americans, and all of us, as Democrats and Republicans in our Chamber here, ask Americans, what do you think is the right thing?

There's only so much pie to go around. We know we're spending, as Mr. OLVER recommended through his charts, more than any other country in the industrial world, at least of the G–7. The money's there. Where's it going? And how can we make sure that that doctor/patient relationship that Dr. Kagen has with his patients and I have with my doctor and many other people have with their doctor really is one that is nurtured and supported. We know we get better quality medicine when my doctor is the same doctor over many years, as opposed to I get a new managed care list and now I have to choose a new doctor and all the kinds of things that really make for less good quality care medicine.

So again, I think this is opportunity for us to have the discussion, bring a lot of ideas forward, think outside the box a little bit and come up with some answers.

Mr. KAGEN. Well, Mr. KLEIN, I appreciate what it's like to be in Florida. I had a small medical practice there studying the fire ant allergy for a couple of years. I wanted to come up with a vaccine that would prevent people from having allergic reactions to those venomous creatures. We could talk an hour about the fire ants.

But on that hot subject, wouldn't it be nice if Medicare actually covered the overhead expense, or if Medicaid covered the overhead expense? You see, there's a subject called cost shifting. One of the reasons that the prices are so high is that everybody else is paying for the unpaid for health care that occurs not just in the emergency room but in doctors' offices and hospitals all across the country. And that takes place when Medicare does not cover the overhead of essential medical services.

And I guess it wouldn't shock too many people to understand that we don't have the data yet that actually determines and allows us to know here in Congress what the overhead expense is within a metropolitan statistical area. You know, I don't want to have to pay in Green Bay or Appleton, Wisconsin what they're paying for medical procedures in Florida or in New York City or in Los Angeles or other large metropolitan areas, certainly not Washington, D.C., where my first hamburger, fry and a Coke was $22.50.

So the cost for health care has to be brought down, I think, in large part by creating a real vibrant, open and transparent medical marketplace. And, you know, I can go on my communication device—I'm not going to mention the brand. I don't want to promote a given product. I can go on the Web, the Internet, and search for the price of a car, the price of a book. How about the price of my prescription drugs that I might need, and map it out within the area in which I live?

I want the pharmacies to openly disclose the price and give every citizen the same lowest price that they accept as full payment for that product. I think it's time that the hospitals showed us their prices and then charged everybody the same. Wouldn't that be wonderful?

Mr. OLVER. It really would. I must say, it's daunting to be taking part in a discussion with an M.D. who has been through this so intimately and has so many examples that he can put forward. We have two or three other medical doctors here in the Congress, and I'm glad we're not having this discussion among just them and me because I would feel completely out of place.

But I did want to comment to something that my friend from Connecticut had said after I finished my chart talk essentially, and that was, yeah, we should be willing to accept a higher cost in this country. True. I said that it would be perfectly acceptable if we were getting outcomes that correspond to the cost that is going in.

We do have a very productive workforce, and the total value of our economy is so high that I think you would find, per person, per member of the workforce, that the value of our economy, the gross product per member is substantially greater than most, if not all of these. I don't have the data on that, but I think I have seen them. And so you would expect that you should be able to spend more in real dollars than others and still maybe not be hurting the economy. But when it gets so out of range, then you really have to look at what are the outcomes.

One other outcome that I would just like to mention, because I used first the life expectancy of our people at large, from the time that they are born until they join their Maker, and then the infant mortality, but then look at the other question, the question of maternal mortality, which very closely mirrors the data on infant mortality, though that goes from the birth until 1 year of age, whereas maternal mortality would refer only to women who die in childbirth. And there, again, our value is, in this country, with supposedly the best health care in the country in the world, our number, again, is about twice, almost twice as high as it is in the other major industrial partners of ours in this whole world economic system. So that's just one more—I did not bring that chart along, but that's just one more of those measures of the many kinds of measures that you could look at.

Mr. KAGEN. Would the gentleman yield?

Mr. OLVER. I would be happy to yield.

Mr. KAGEN. Some years ago I sponsored for citizenship a Ph.D. in my research laboratory. And when I was about to enter the political discussion in 2005, I asked my Ph.D., Dr. Muthiah, how did he look at our American health care system, because he grew up in Sri Lanka and then graduated from Southern India, Madras, and how did he look at the American system? And he said, well, Boss, American health care is upside down because if you go to the hospital and you have insurance, you get a discount.

□ 2015

If you have no insurance at all, you get the big bill.

So, you see, what we have to do is prevent the cost shifting, and by preventing cost shifting we can bring prices down. I think when we finally come to have an agreement that we should have a Federal standard. I mean, we have Federal standards in the United States for everything, making cars, we have OSHA, we have the environmental standards. We have standards for making clothing.

But we don't have a standard basic insurance policy that guarantees that if you get sick you are going to be in your house, not the poor house. We don't have a basic insurance policy that all the insurance companies, if they are going to be in business, should be offered an opportunity to sell, to compete within the marketplace.

I will give you, just an example, and I am not too good with examples. A few years ago I wanted to buy a Chevrolet Impala. At the time it was the highest percent American made car. I went out shopping for the Impala. I had five dealers with the same car. Now, they competed for me.

I didn't get it for free. I got a skinny deal. The dealer made money, the manufacturer made money, and there was an economy, a real marketplace, a competitive and transparent marketplace. What consumers want in health care is transparency. They want an opportunity to be able to afford the medications that they need so that they don't have to skip a meal or skip a pill, or as you referred to some minutes ago, cutting your medication in half.

There are a number of stories I could tell you that would make you cry. There is Jenny, who has two young children who came to see me. They were asthmatic. I made a wonderful diagnosis, I wrote the prescriptions for her and her children. I said come back in a month, they will be back in school, they will be fine.

And she came back a month later, and I examined the children, and they were not fine. They were still wheezing. Being right to the point, I came down pretty hard on her. I said, you know, the funny thing about these medications, they only work if you put them in the kids' mouths. And she lifted up her sack, which contained her own personal property and also some diapers, unzipped it, held out the prescription. It was the same ones I had written.

And she said, Dr. KAGEN, I took these prescriptions to the pharmacy, and I could see the medications behind the counter, but I couldn't afford to put them in my kids' mouths. Now, what are you going to do to help me? I said, well, that's it, I'm going to have to go to Congress because I can't go to the State House to fix this.

This is really a national crisis, one that can't be solved State by State. We can't have these incubators of democracy, as it has been referred to. We can't have one-State solutions like Massachusetts or another State, or Oregon. We need to find a national solution wherein there is going to be a real transparent medical marketplace to allow a drug company to produce a great medication, to openly disclose that price. And if it's $1 in Mexico City, hey, thanks. If it's $1 in New York City, Chicago, L.A., and everywhere else in between, we need to allow them to compete in an open, transparent medical marketplace.

But, first, we here in this Congress have to make a commitment, to make sure we get it right, to think it all the way through, and above all else let's find out what the real overhead cost is, because if Medicare doesn't cover the overhead costs for something, it's going to cause cost shifting or that service or product is just going to disappear.

Mr. MURPHY of Connecticut. The stories are heart-breaking and, unfortunately, the longer you serve in this place or any other level of government, the more that you hear.

It gets back to that statistic that I started with, which is that some people have an impression that maybe folks that don't have insurance, people that don't have access to health care, well, it's their fault. You know, they are living off the dole, they are freeloaders, free riders. It's not true.

Study after study shows you that 80 percent, or somewhere in that neighborhood, of individuals who don't have insurance are part of a family in which somebody or both parents are working full time. They just happen to work for an employer that doesn't offer insurance or that their insurance is kind of 50 percent insurance. It gets you part of the way there, but not very far. These are the folks that we are really talking about.

And I think that in this moment of great economic crisis—a poll came out the other day that showed that 70 percent of Americans are fearful in the next few months that either they or their spouses will lose their jobs, that more people today are conscious of the fact that they are just one paycheck away from losing all their health care benefits. And should they get sick, as they have watched their parents or their relatives or their coworkers do, that their life could be over as they know it.

As Representative KAGEN said, the number one cause of bankruptcy in this Nation is medical bills, individuals who have had an illness, a cancer, an injury, that they could not have foreseen or prevented. And it has fundamentally changed their lives. They have lost their house, their car and their livelihood.

That's who we are really talking about here. Mr. KAGEN is right. Representative KAGEN said you can't do this one State at a time.

I am wholly supportive of States like Massachusetts. My home State of Connecticut is endeavoring to try to produce a system of universal coverage today. I am very supportive of their efforts to do so. But their efforts should highlight the fact that ultimately this has to be a national solution. Why? Because the only way you ultimately get costs down is to use the leverage of the Federal Government, ultimately, to bring those costs to a reasonable level.

Now, we certainly do have to put the money into the Medicaid and the Medicare system to make sure that we aren't shifting money off to the private sector. But, so many of us are supportive, as Mr. KLEIN mentioned, of opening up the Medicare system or opening up the Federal employees' health system to more Americans because we see that as a way to try to use the purchasing power of the Federal Government to get costs down.

A poll that I referenced about Americans' support for a major health care reform bill also shows that 77 percent of Americans favor allowing the government to offer a plan that would give them an option to join a publicly sponsored program or to keep their private health care insurance. And, in fact, it pretty much cuts across all parties. We said at the outset this has nothing to do with Republicans and Democrats. Whether or not you have insurance has absolutely nothing to do with the party that you registered with or where you sit on the spectrum of our American belief system. This is a nonideological, nonpartisan problem.

And so although the numbers vary a little bit, the support for a publicly sponsored option for individuals and businesses to buy into, one that would be one of the best and I think most cost competitive options in the marketplace, show that greater than 80 percent of Democrats favor it, greater than 50 percent of Republicans favor it or just under 50 percent of Republicans favor it. But amongst Republicans, 33 percent say they don't have any opinion, so you almost have a 2 to 1 support versus opposed ratio. So you have folks of all parties and all persuasions supporting major reform.

Just one more point before I turn it back over to you, Mr. KAGEN, is your notion of having a level playing field and having transparency is so important, because there are a lot of people in this Chamber that support a single payer Medicare-for-all system, you know, go to a European style system of health care. But this is the United States of America. We have unique needs. We are not Canada, we are not England, we are not France or Germany.

We are going to create our own universal health care system here, informed by the unique needs and desires and expectations of our citizens. And I think most of us agree that that's going to maintain, maybe in not as great a percentage of our system as it is today, but it is going to maintain our private health care insurance system.

And the way to get to a system that is fairer and more equal is to allow for that health care insurance exchange, allow for a marketplace where, as you

said, everyone can go and compare prices, can know when they are buying that product that they aren't going to be ruled out just because they have a preexisting condition, an issue that there is no greater leader in the Congress on than Mr. KAGEN, know that if they work for a business that they are not going to cause that business to not be able to provide health care insurance simply because they are the one employee of six that has higher health care costs than everyone else, that we are going to have equal coverage, a fairness in benefit levels and a transparency in price that will give, I think, a level of surety to people as they buy that insurance product that they are going to be covered and that they are going to get the best deal.

Right now if you are an American health care consumer, you don't know either. You don't know whether you bought the cheapest product, because there is no one place to go. There is no one aisle in the supermarket where you go and compare prices. You also don't know whether you are going to keep that insurance.

Because even if you got in as the bell rung, there is a thing that happens now called post-claims underwriting where even after you get sick, a lot of insurance companies will try to kick you off your health care, claiming that you should have known that you were going to get sick when you signed up in the first place. So I am very excited about this idea of the health care insurance exchange and glad, Mr. KAGEN, that you have been leading on it.

Mr. KAGEN. The consumers of America need to be able to compare apples to apples. And really the only way to get that done is to come up with at least a basic Federal standard, an insurance policy, one that will cover the basics and keep you in your house if you get sick, one that every insurance company has to offer to every willing purchaser, every citizen and legal resident within a metropolitan area where we can create the largest risk pool possible to leverage down prices for everyone.

Here I have someone in rural America. This is really a telling story. She is from Waupaca, Wisconsin, and, quote, ''no health insurance for 4 years, one son in the Army on active duty, my son shipping out. He is guarding our home, but we are not taking care of our families here at home. We are taking care of people overseas.

''We know numerous people over 50 who have lost their jobs so companies can cut health care and payroll costs and then can't find any other work and no longer have health insurance.''

Now this is being multiplied all across the country as this recession rolls across not just the United States but across other nations as well. We have to establish a basic insurance policy so we can begin to have an open and transparent and very competitive marketplace for insurance process.

Mr. MURPHY of Connecticut. Let's think about that soldier that comes back from serving his country overseas and goes and gets a job that pays a decent wage but works for a struggling company that just can't afford to continue to employ people and give them health care benefits.

And so he, returning from serving his country abroad, putting his life on the line, comes back and gets a decent, hardworking, fair-paying job and has no health care benefits. And then he looks to this House. He looks to the people that he sent to Congress who sit here in this nice air-conditioned Chamber with pretty decent health care.

And he wonders to himself, I fought for this country, I came back and got a job, did everything that I was supposed to. And the people that I send to Washington, D.C. get a pretty good health care plan, and what am I left with.

I think that whatever we do, whatever Federal regulatory scheme that we come up with for health care insurance, it should at least guarantee that everybody out there gets to have health care like we do. That if you are going to elect men and women to go to Congress who are going to enjoy the benefits of the Federal employee health care plan, that every American out there should have access to that, certainly those that come back from duty overseas and are playing by all the rules we ask them to when they return.

Mr. KAGEN. Well, be careful there, because you may just get what you want. There is nothing to say really that the health care that you have is the best available.

I will bet you don't understand completely what you have got for insurance, because it's so hard to read and interpret that policy. We have got an idea here that's kind of a good idea, but like many things here in Congress, if it makes sense, it just may not happen.

So what we really have to do is just clear away all the clutter and ask some very basic questions: Do you want to have an opportunity to go to the pharmacy and pay the lowest price available for that prescription? I think you do.

Is there any reason why someone should be discriminated against? Now, let's say there is five of us standing in line to get the prescription, 30 pills of drug X at a pharmacy.

Why should we pay five different prices? Why shouldn't they just put the sign up on the wall and say here is what it is. Put it on the Internet, here is what it is. And let's get some competitive forces to leverage down these prices.

When insurance companies have to compete in an open marketplace, we are going to leverage down that price, my best guess is about 22 percent before they really begin to compete for the customer, just like the auto dealers competed for my precious dollars for that Chevrolet Impala. So I look forward to a competitive marketplace.

As you know, I chose not to select health insurance when I got here. It was offered to me, and I was quite surprised. They said, ''Well, Congressman, before you leave to go back to Wisconsin, would you like to hear about the benefits?''

And I said, ''Lady, are you kidding me? What are you talking about?'' And she showed me a list of health care benefits, of cafeteria plans I could choose from. I had to go catch a plane.

I said, ''Well, okay. What did you take?''

''Oh, I took the Cadillac plan,'' she said, ''$250 deductible. They have got to take you because you are a government employee.''

I said, ''Well, I'll tell you what. As soon as you can make that same offer to everybody else that I have the honor of representing, I will be happy to make my choice.''

□ 2030

I agree with you that we have to have choices, but they've got to be openly disclosed, and we need to get a basic insurance policy that really says, if you're a citizen, you're in.

Now, one of the things that I am really pleased about with this President is that President Barack Obama gets it. He doesn't just get it in his mind. He gets it in his heart. He actually feels what we feel and what my patients feel, and he has taken the single, most essential element in health care as his number 1 element, and that is no discrimination due to preexisting conditions. When we frame health care around our civil rights, we're not saying you have a constitutional right to this or that service. We're saying that you shall not suffer from discrimination, like we passed last year, based on your genetic potential. You will not suffer from discrimination at the pharmacy because you have less money in your pocket than somebody who is getting a discount and not you.

You mentioned our veterans who served not for themselves but for their country. Isn't it appropriate that when a veteran comes home that his wife and his family get the same discount on that medication that they might need? What about their neighbors? What about their whole community? What about their entire country? Isn't it appropriate, if the pharmaceutical company is making a profit at the VA price, that we all benefit from his service or her service at that leveraged down discounted price? We have to begin to use the leverage of the marketplace.

I'll finish up with my comments by saying that we have witnessed in the last year the collapse of the housing bubble. That repercussion, that ripple effect in the economy, has just taken down many millions of jobs. It has taken away businesses left and right, and it continues to do so.

I believe we're also looking at another bubble, and that bubble is in the price of health care. It's simply out of reach for ordinary families, averaging $1,200 to $1,400 a month for insurance

premiums, and it guarantees only one thing: that, every month, the insurance company is going to take your money and that you'll have to fight like hell to get it back. Having insurance today doesn't guarantee that you're going to get the services that you need. That's how Chairman OLVER was able to show us all the data.

We are spending a lot of money for health care. We are not getting the value. So I think it's time to begin to ask the question if we shouldn't begin to change the process of how we're going to reward the delivery of health care, to change the process and reward value, not just per head or per prescription. We have to begin to reward value and prevention. Look, you are exactly what you eat.

As my father says, ''Steve, boy, pollution begins at your lips. If you don't put it in, it won't stay on you.''

''Well, okay. I'm doing my best to lose weight, Dad,'' but the reality is we can do this by working together.

It will take Democrats, Republicans, Libertarians, and Independents. The American people don't want any more argument about this. They want us to come up with a solution that works for their budgets, that works in their homes and that works within a framework that guarantees that, if you're a citizen, you're in. If it's in your body, it should be covered.

I am more confident tonight than ever before that, this year, we're going to achieve that goal of guaranteeing access to affordable health care for everyone who is legally here.

Mr. MURPHY of Connecticut. Thank you, Mr. KAGEN.

We have sort of run the gamut this evening of the problems that underlie the existing system—the lack of transparency in insurance markets, the discriminatory practices of insurance companies, the lack of cohesion in prices when you walk into a pharmacy or into a hospital, the amount of money that it puts on top of businesses that are already struggling to compete in this world.

When you talk about health care, it may be the most complex topic that we ever talk about here. It seems insurmountable sometimes. It seems like there's too much to try to take on at one moment, but there are simple solutions here, as you said: Pay for performance instead of pay for volume. Pay for prevention rather than crisis care. Give people options that they can see and understand.

I think that there are some solutions here that can cross party lines, as you said, Mr. KAGEN. I think that we can achieve a real victory in health care for America, in health care for America this year, this session, that guarantees that for citizens of the most affluent and the most powerful country in the world. Just because you can't afford to see a doctor doesn't mean you're not going to get sick. I hope we get the chance to do this more often and to bring our colleagues to the realization that the time for reform is now.

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

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

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

Mr. KING of Iowa. Thank you, Mr. Speaker. I very much appreciate the honor of addressing you here tonight on the floor of the House of Representatives.

There is an issue that comes to mind for me immediately. It is the reason that I have asked for some time tonight here in this Special Order in this hour of privilege that we have. It is a disturbing factor that I have experienced, along with a number of others, through a markup in the Judiciary Committee last week, and that is this dramatic departure from the rule of law, the dramatic departure from the Constitution, the dramatic departure from the understanding that criminal law in America would be focused on overt acts, not on the thoughts that we might divine would be within the heads of the perpetrators.

I'm speaking specifically, Mr. Speaker, about the hate crimes legislation that has been pushed through the Judiciary Committee and that will arrive here on the floor of the House of Representatives tomorrow.

By the rule, the rules process that has taken place, there were a whole series of amendments that were offered in the Judiciary Committee. Those who watched the committee will know that the Judiciary Committee in the United States House of Representatives is the most polarized committee on the Hill. It's the committee that goes out and recruits, I'll say, the most hardcore, left-wing people in this Congress to advocate for the most hardcore, left-wing—and I'll say—sometimes unconstitutional, often illogical proposals that might come before this Congress to be rammed through the Judiciary Committee but not without a legitimate markup. I will concede that point to the chairman, Mr. CONYERS.

Many of us offered amendments, but there was a determination to vote down, to shoot down and to defeat every constructive amendment that was offered before the Judiciary Committee on this so-called ''hate crimes legislation,'' Mr. Speaker.

On Thursday, after a full day Wednesday and a most-of-the-day Thursday markup and after that legislation on the so-called ''hate crimes'' passed the House Judiciary Committee, it went to the Rules Committee, which met today, Mr. Speaker. The Rules Committee's job is to also enhance something that is the responsibility of every chairman on this Hill, that is the responsibility of you, Mr. Speaker, and that is the responsibility of all of those who have gavels in their hands. I've spent some time with a gavel in my hand, Mr. Speaker. The job of the chairman is to bring out the will of the group. It's not to impose the Chair's will on the group. To bring out the will of the group is the constitutional act of justice that should come from the hand that holds the gavel.

What happened instead—and perhaps, just perhaps, the hate crimes legislation flowed out of the Judiciary Committee reflecting the will of the Judiciary Committee, but when it is filtered through the Rules Committee—the Rules Committee that sits in judgment upon whether there will be amendments that are allowed to be offered here on the floor of the House of Representatives or whether there will not and which of those amendments might be offered—the Rules Committee has a profound responsibility to weigh the proposals and to make a determination that this House can work in an expeditious fashion but can still reflect the will of the United States House of Representatives.

That will has been frustrated, Mr. Speaker, because the Rules Committee, I'm told, has ruled there will be no amendments on this hate crimes legislation, that it will come to the floor under a closed rule with no amendments allowed, only the amendments that were offered in the Judiciary Committee and by no other Member of Congress. All of those who do not sit on the Judiciary Committee will have an opportunity to try to perfect this legislation that they call the hate crimes legislation but that I call, Mr. Speaker, the thought crimes legislation.

That's at the core of our discussion here this evening, and I'll submit that the will of this group, that the will of the United States House of Representatives, is directly frustrated by the actions that, I believe, are directed from the Speaker's office, by the actions of the Chair of the Rules Committee and by the actions of the majority members on the Rules Committee who have decided to shut down the amendments process and ram through a piece of legislation tomorrow with only 30 minutes allowed for all of the Members of the United States House of Representatives to voice their objections here on the floor of the House of Representatives.

There will be no amendments allowed, just a voice where there will be more than 30 people lined up who will have less than a minute to add their words to this, and where there will be no chance to sway the opinion of this body, the opinion of this body that is locked in on an idea that we're going to have hate crimes legislation in America that punishes the thoughts of people who may or may not be perpetrating crimes against folks because of their particular, special protected status that would be created under this hate crimes legislation.

I, Mr. Speaker, oppose, and I defy the logic of the people who would advocate for such legislation and the very idea that we could divine what goes on in

the heads of people when they commit crimes.

I will argue that the history of criminal law in Western civilization has always been about the overt act, not about the covert act; about the overt act, not about the thought, not about what goes on in the head of the perpetrator and certainly not what goes on in the head of the victim. We recognize and have for millennia that the value of the victim is intrinsic in that each human life has a unique value, a unique value that is priceless and sacred. Whether it's a baby who was just conceived a moment ago or whether it's someone in the last days or hours of his life, we all measure that life equally.

In fact, former Governor of Pennsylvania Robert Casey said human life cannot be measured. It is the measure, itself, against which all other things are weighed.

Yet this hate crimes legislation would weigh it differently. It would weigh the life or the health or the physical well-being of an individual who fit within this special protected status—the status that might be wrapped up in their sexual orientation, their gender identity or their gender, itself—of having a special status if it happens to fit the list of proclivities that they believe should be protected status.

Now, when you start valuing one person's well-being, one person's life differently than that of another, we have deviated dramatically from the essence of criminal law and have started ourselves down a path by which we're evaluating not as the proponents of the bill—and I will say there is the gentlelady from Madison, Wisconsin, whom I specifically asked:

Is this a crime committed, and is it evaluated by what's in the head of the perpetrator or by what's in the head of the victim? I think I might have misunderstood her, but they corrected me clearly, and they said: Well, it's what's in the head of the perpetrator.

All right. So, if we're going to presume that a crime could be committed and if we're going to enhance the penalty, maybe, 10 years or maybe as much as life in prison for kidnapping, for example, because we're going to judge what goes on in the mind of the perpetrator at the time he committed the crime and what provided him the incentive for committing that crime, then we're evaluating here by law what goes on in the head of the perpetrator.

But, Mr. Speaker, there's another component of this. This is what goes on in the head of the victim as well, because the special protected status rests upon not physical characteristics, not immutable characteristics—those characteristics that can be independently verified and that cannot be willfully changed. No, Mr. Speaker. These characteristics are those mutable characteristics, those that reflect not just the physicality of the victim but the attitude and what goes on in the head of the victim.

So, for the first time, if this legislation should become law, the Federal Government will be punishing and will be acting upon legislation that presumes to be able to know what's in the mind of the perpetrator and what's in the mind of the victim. It will match those two things together and will determine if a crime were committed and, if so, how to enhance the penalty. This is a bizarre thing, Mr. Speaker.

This takes me back to the book ''1984'' by George Orwell, written in 1949, where George Orwell wrote—and I will summarize this because I don't exactly have the quote in front of me:

We don't care about the overt act. We don't care about any overt act. What we care about is the thought, because, if you can control the thought, you can control the overt act.

So why would we care about the act, itself, when we could control the thought? By the way, we're not going to be satisfied if you just simply agree with us. You must do so willingly. We must bring your mind around to the point where you're eager to agree with us. When that point comes, there will be no more overt acts that we disagree with, and therefore, we will have controlled the mind, and by controlling the mind, we've controlled the actions, themselves.

□ 2045

This is a bald-faced effort to enforce public affirmation for behaviors that have been considered to be historically aberrant behaviors by the American Psychological Association, Mr. Speaker. There is a long list of them. The list that I have is 547 of them long. As near as I can determine, they're all specially protected activities or thought processes that are protected under this hate crimes legislation, Mr. Speaker.

We tried mightily to amend the bill and to try to bring some sense to this idea that whatever the proclivity, it was going to be protected by a Federal hate crimes law. We can't cross that line, Mr. Speaker. We've got to maintain criminal penalties for the overt act, not for the thought, because we can't know what goes on in the mind of the perpetrator, and we can't know what goes on in the mind of the victim.

Mr. Speaker, that opens this subject matter up, and I recognize that there are some very effective Members of the House of Representatives that would like to address this subject matter. And no matter how focused they may be on preparing themselves, I would be so happy to recognize the gentleman from Texas who is my good friend, Mr. GOHMERT, for as much time as he may consume.

Mr. GOHMERT. I thank my friend from Iowa. You have pointed out some real problems and real issues with this hate crimes bill.

We are constantly being told there is an epidemic of hate crimes in America. You look at the statistics, and there are actually fewer crimes now attributed to any type of bias and prejudice than there were 10 years ago. Another problem is the States, every one, have laws to deal with crimes against a person. That is a State obligation, and every State has their own. And it's governed by the State law. And most States have a hate crime law.

This is the Federal Government, the Big Brother that Orwell talked about, coming into the thoughts of every individual.

Now we've been told that this bill will protect constitutional speech. It will protect religious speech. But that breaks down when they have to admit that, well, of course, if it's religious or constitutionally protected speech that is relevant to the underlying offense, then, of course, it is not protected.

Well, you can't take this new law in a vacuum because 18 U.S.C. 2(a) still exists, and it will exist if this becomes law. Some people who are not lawyers talk about it referring to accessories, but it is not. In legal circles, it's called the law of principals. And under Federal law, 18 U.S.C. 2(a), if you aid or encourage, counsel—and here's a big verb—or induce someone to commit a crime, then it is as if you are the one who committed a crime. It's called the law of principals. You induce someone else to commit a crime, you might as well have pulled the trigger or done it yourself.

So with that law existing and not going away when we pass the hate crimes bill, if heaven forbid it gets passed, then how do you go about inducing someone to commit a hate crime? Well, you'd probably have to tell them that an activity is wrong.

There are preachers, rabbis, imams across this United States of America all this week who will be telling people that there are certain types of sexual immorality that the Bible, the Tenach, the Koran, say are wrong. Well, if you're telling people that an activity is wrong and it hurts the moral fabric of the country and it undermines our moral authority in this Nation—and perhaps you even quote from the Bible or the Torah or the Koran where it talks about Sodom being destroyed because of the activity of those, that it got so bad that the people residing there even wanted to have sexual relations with two male angels that were sent, well, that, in both the Bible and the Torah, Tenach—where this is discussed—in the Koran, the same story is discussed in the Koran, you explain to people that God got so upset about this he destroyed Sodom and Gomorrah. Even today, you cannot find remnants of Sodom and Gomorrah. And you tell people that God feels so strongly about this that he's destroyed a city and you can't even find any remnants of the people or the cities.

And someone goes out—even though you have never encouraged violence—commits a violent act and says, Well, my preacher, my rabbi, my imam told me that this was wrong and it caused the destruction of a city and that really is what induced me to do this, you

don't think the preacher, the rabbi or the imam would be arrested for inducing that crime? Of course.

You can go even further. I can hear a prosecutor with a bent towards this kind of hate crime stuff going forward and saying, You know, we heard this preacher talking about homosexuality being wrong. That preacher should know that there are crimes of violence being carried out against homosexuals around the country that have gone on—even though they are lower in number than they were 10 years ago—they should know that and therefore since they are saying it's wrong, that stirs up all kinds of hard feelings. He should know he's inducing people to create crimes of violence. Therefore, we've got to stop him. He's attempting to induce a Federal hate crime.

This is serious stuff, because that's where you go. And the prosecutor could then say, ''Look. Yes, we arrested the preacher; yes, we booked him into jail, and yes, it is a question of intent. Did he intend to induce the crime? Well, I am going to leave that question for a jury to decide.'' You can hear that said by many prosecutors around the country on other issues: ''Look, I am not God. We will allow a jury to decide this question of fact on whether or not he intended to induce the crime.''

So getting back to basics, though, there is no epidemic. And as my friend from Iowa knows, in discussion, in debate in the committee and outside the committee, we've said, ''Now, what are the cases that justify the Federal intervention into this State law area?''

We're told what about James Byrd, that horrible case down in Jasper where this poor African American was drug to death by white guys, three of them. Two were most culpable. That justifies a Federal hate crime? No, it doesn't. Those two guys that were most culpable got the death penalty. This bill doesn't even offer the death penalty as a penalty. This bill wouldn't affect that case. The other guy got life in prison. This bill wouldn't affect that case at all.

Some have mentioned the terrible case regarding Nicholas West. From accounts, he was a sweet young man. He was picked as a victim because he was homosexual. Brutalized, kidnapped, killed. That was in my home county. The perpetrators have already been sentenced to death and the death sentence has been carried out. This case would not be affected.

Now, everyone in America deserves protection of the law. We get in trouble when we begin to carve out little special groups here and there that deserve more protection than someone else. You think a pregnant mother does not deserve the protection of a homosexual? You think a military member doesn't deserve the protection of a transvestite? You think that a particular child wouldn't deserve the protection of a transvestite, a transgender person? Why are we carving this out? They are protected under the law.

You know, there are those of us who believe the biblical teaching about homosexuality being inappropriate, but I've sentenced people for harming a homosexual because they deserve to be protected under the law. It doesn't matter who you are, it doesn't matter who you sleep with, you deserve to be protected, and we do our country a great injustice when we begin to say these deserve more protection than these over here.

But when we discuss sexual orientation—we brought that up in committee, and we were told, Well, it doesn't need a definition. For one thing, it's defined in another law in the Hate Crimes Statistical Act. Well, it was defined in that law as only including heterosexuality and homosexuality. We said, All right. If you think it's confined to that, why don't you put that definition in here?

''No, we don't need to do that.'' Well, you do.

I have been an appellate judge. You want to review what a definition of any word or phrase means in a bill? First, you look to see if it's defined, and if it's not defined, is there any direction to other laws within that bill that tells you, for the purpose of this law, what the definition is. They didn't want to do that. They didn't want to refer to the Hate Crime Statistical Act.

And yet here on page two of the bill, we've got other definitions. Crime of violence has the meaning given that term in section 16, title 18, U.S. Code. Hate crime has the meaning given such term in 28003(a) of the Violent Crime Control and Law Enforcement Act. Over here—I believe it's page 12—it talks about another definition of explosive or incendiary device has the meaning given such term in section 232 of this title. Firearm has the meaning given such term in 921(a) of this title.

Why wouldn't you define sexual orientation? You should. Because the Diagnostic and Statistical Manual IV tells us the names of different conditions. It talks about all the types of sexual orientation people have. There are all kinds of sexual orientations. Some are weird. Some are sick. Some will get you put in prison. But if you don't define it, they're included.

My friend from Iowa here, Mr. Speaker, made an amendment trying to exclude pedophiles from the protection of sexual orientation here because these people are oriented sexually towards children. That was voted down. Voted down. You know, you want to give pedophiles the protection, this extra protection you're not willing to give a pregnant women or a child or a mother or military? This is incredible. But that's what they did.

It creates the scenario, too, of other types of sexual orientation. Some are oriented toward exhibitionism. Some are oriented sexually toward voyeurism. This bill sets up the incredible scenario where a woman could see a man flash her and she is astounded, hits him with her purse, and takes off running. Under that scenario, if this became law, the flasher committed a misdemeanor and the woman that hit him with a purse—because he's oriented sexually towards exhibitionism—is now a Federal felon looking at 10 years in prison. That is insane. This makes no sense.

□ 2100

One other thing, though, as a judge dealing with different types of defendants, hearing all kinds of psychiatric testimony, psychological testimony, and just dealing with different defendants on thousands of cases, what struck me in what I heard was that people that are the hardest to rehabilitate are those who are antisocial personalities under the DSM–IV. They are harder to rehabilitate than people who act out of a bias or prejudice. And yet this bill says we are going after the people who are probably the most easy to rehabilitate and make them suffer more, if that's possible—you can't make anybody suffer more than the death penalty—but we are going to make them suffer more than someone who commits a crime out of bias or prejudice. It makes no sense.

Antisocial personalities, they know the difference between right and wrong, they could control their conduct, but they choose to do wrong. Many antisocial personalities like to hurt people. This bill, the way it is drafted and the way we are going to vote on it tomorrow—because we were not allowed one single amendment to come to the floor—creates the scenario where someone could be arrested for a hate crime in this bill, brought to Federal court, have a jury selected, put in the box, the trial go forward, and the defendant convince the jury that he committed the act of violence causing bodily injury to the defendant randomly—he didn't care who he hurt, he was gonna hurt somebody. And if he is successful in raising a reasonable doubt that he committed the crime randomly and he had no bias or prejudice, he just wanted to hurt somebody, under this bill that we vote on tomorrow, he is acquitted. That is insane. That is insane.

We are going to let the random, senseless killer, abuser, brutalizer go free under this bill? We need to pass laws that make sense. We need to pass laws that say every life in America is important. But this doesn't do that.

What saddens me greatly is that the bottom line of this hate crimes bill is—this is the message that goes out from this hate crimes bill we will vote on tomorrow—if you are going to hurt me, shoot me, brutalize me, please don't hate me; make it a random senseless act of violence. That is what this says. And that is why this should not become law.

I thank my friend from Iowa and yield back.

Mr. KING of Iowa. Reclaiming my time, and I very much thank the gentleman from east Texas for his clarity with his understanding of this legislation.

I would like to point out, Mr. Speaker, that I have sat with our committee staff, sat with my own staff. I have gone through this language. I have looked for a way that there is a consistent index between the definition that is in this legislation and understanding what it does. It doesn't exist. It is ambiguous. It is ambiguous, and it runs, actually, in contradiction to the existing statute that it references that the gentleman from Texas spoke to; one of them is a crime of violence definition, and the other one is a hate crime definition.

But also, the definition that is in the bill for gender identity, when I asked the question what is gender identity, and the answer that I received back in committee from the gentlelady from Madison, Wisconsin, was ''it is defined in the bill.'' Don't you know? Well, it is defined in the bill. Gender identity means ''actual or perceived gender-related characteristics.''

I am this Midwestern guy. We have a number of different kinds of fence posts; some of them are hedge posts, some are cedar posts, some are pine, creosote, pressure-treated. Some are steel, T-posts, round posts. You name them, we've got them. We've got electric fence posts as well. We have a whole different bunch of varieties.

Now, if I would define a fence post as ''actual or perceived characteristics of a fence post,'' you get the idea what the definition of gender identity is when it is the actual or perceived gender-related characteristics. It is no definition at all. And this definition will be defined by lawyers and judges, some activists, some that want to adhere to the law. None, if this legislation is passed, would be able to go back and track the definitions in this legislation and determine the intent of Congress, except to offer ambiguities that can be used at any extent.

And what a couple of the other ambiguities are; crime of violence means the threatened use of physical force against the person or property of another. But the bill doesn't say property, it says the person. But the definition in the bill says person or property.

A hate crime means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property is the object of the crime, but the bill doesn't say property, it says a person that possesses these special protected characteristics—which makes them sacred cows in this society. And, Mr. Speaker, I, perhaps, will expand that thought of sacred cows, but I am much more interested in hearing from the gentlelady from Minnesota, who has arrived on the floor tonight to fill us in on her view of the hate crimes legislation.

I would be so happy to yield as much time as may be consumed by the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I want to thank so much my colleague, STEVE KING from Iowa—the ''stunning'' STEVE KING of Iowa, as he is known in the mainstream media, so grateful for your advocacy, and also for that of Judge GOHMERT. And Judge GOHMERT, I trust that you're a hanging judge down in the State of Texas.

I just wanted to have a chance to speak just for a few moments on this hate crimes legislation. It truly is momentous, this rule that we will take up tomorrow.

First of all, I just want to say, from my perspective, this appears to me easily to fit the definition of an unjust law. Why do I say that? Because this will bring to Americans more loss of freedom, more loss of rights than we have seen leave in this first 100 days here in Congress because it goes to the very heart of the Bill of Rights. When the Founders passed the Constitution, they would only pass it on one condition, and that is that the Bill of Rights would be passed next.

This is the very first amendment—what many consider the most important amendment—our First Amendment right. And contained in that First Amendment right is the freedom of speech and expression of religious affiliation. And this goes to the heart of taking away American's right to speech and expression and sincerely held religious beliefs.

I feel that this hate crimes legislation in some ways could be considered the very definition of tyranny because it gives government literally the key over deciding what the thoughts of Americans should be. And it says that Americans could only hold certain opinions and not others, and they can only express certain opinions and not others. Otherwise, it would be seen as a criminal act.

And I think back over this last century of world history, and I think of nations where they called certain expressions of speech not only hateful, but criminal. And that is what this bill does, it regulates speech. Government regulates speech. And it just seems that it is one more chink resulting in the loss of American freedom.

This bill, if it passes tomorrow, will have to be considered then a part of President Obama's 100-day legacy. And on his watch, if he chooses to sign this bill—and from all indications it appears he will—this will lay the foundation to further deny Americans First Amendment rights.

I think it also, we could say, denies equal protection under the law. If you have an individual going through a crosswalk and a person is in their car and they hit that person in the crosswalk, it is up to the person who is hit to file the charge if it was a hate crime or not. So if the person is gay, and that is the status that is being protected, and the person driving the car is straight, would it be a hate crime if the person driving the car who is straight hit the person who is gay in the crosswalk? So does it say, then, that that life that was hit in the crosswalk is more valuable because it was a gay life versus if the person who was in the car, who is gay, who hits the person in the crosswalk, who is straight, does that mean that the straight person in the crosswalk doesn't have a cause of action against the person who is gay who is driving that car? It raises the question of whose life is valuable and whose isn't. That is the question that Mr. GOHMERT raised earlier.

Who will the government prefer? And who decides who gets protected? Are we protecting people on the basis of their behavioral actions; if they choose to have certain actions that are sexual in a certain manner, they get protected when others don't? Who decides who gets to be the good guy in this situation? Who gets to decide who is the bad guy in this situation?

And I would ask this question, is it a moving target? If we give government this level of authority, then easily we can see that down the road government could amend this hate crimes law to say that now a new behavior will be protected.

One thing that was mentioned by Mr. GOHMERT earlier, that was brought up by Mr. KING, that apparently people who are practicing pedophiles would be considered protected under this legislation, but not, I understand, veterans, not, I understand, pregnant women, not, I understand, 85-year-old grandmothers would be protected under this law. But who would be protected? A pedophile, someone who considers themselves gay, someone who considers themselves transgender, someone who considers themselves a cross-dresser? That is who is protected.

And yet, think of the impossibility that we are tasking government with. We are asking government to peer into the mind of the individual who perpetrated the crime. Government somehow is so wise, so all knowing that now government can peer into the mind of the individual and can somehow discern if the individual in fact hated the person based upon, potentially, what their sexuality is versus the sexuality of the person who the crime was being perpetrated against. Won't that be a moving target? Depending on what the new behavior of the day—the behavior du jour, so to speak—that government approves or won't approve?

Again, I think this is the very definition of tyranny because government's arbitrary decision will mean that more Americans will lose their First Amendment freedom of speech and expression. And this is something, again, that Mr. GOHMERT had alluded to earlier. And that is when we can look, when this hate crime legislation has been put into place across the world, whether it is in Sweden, whether it is in Canada, whether it is in other nations, we can see what other nations have done with this type of legislation and what it has led to, the loss of freedom for individuals, citizens within those countries, and the citizens whose speech were protected.

Then I look at the specter of our own Supreme Court. One of our Justices,

Ruth Bader Ginsburg, said, again, we need to have more Supreme Court Justices in our country look at international laws and the laws of other countries when we define our own. Well, our judges could look at Sweden, they could look at Spain, they could look at Canada. And they could see that pastors and priests who spoke out and who just gave sermons behind their pulpit that promoted what the Bible says about sexuality—and homosexuality in particular—that was construed as a hate crime in Sweden, construed as a hate crime in Canada, in Britain, in Spain. And if that is the case, we will not allow pastors to even have freedom of speech and expression.

As a matter of fact, we saw in Britain where there was a collision course in the EU Constitution between freedom of speech and expression and between exercising religious rights. When that clashed and came into contact with the hate crimes portion of the law internationally, which provision prevailed? They were both contained in the Constitution, hate crimes and religious liberties, hate crimes versus freedom of speech and expression. On every occasion, the law that prevailed was the hate crimes provision. In every case, the provision that lost was the provision that so-called protected a person's right of religious belief and expression. Do we think we will fair any differently here in the United States? I don't think so.

I think the collision course that we are on this evening, Mr. Speaker, is one that probably should frighten Americans almost more than any other. And I say it because there is probably nothing more sacred in our Constitution than that very First Amendment that protects my conscience. And even if my beliefs or your beliefs or the beliefs of people that are listening to us have this debate this evening are antithetical to what all of us believe here this evening—someone might hold some very hateful beliefs, but we are America, shouldn't they be allowed to hold those beliefs? Shouldn't they be allowed to believe, in this country, things that are contrary to what government believes? But that is not going to be allowed anymore. And people's sincerely held religious beliefs can now be considered contrary to public policy. And we can see for the first time in our Nation that people would be disallowed from having their sincerely held religious beliefs.

I think we are seeing a little bit of death today in this Chamber. We are seeing what our Founders bled and died for go away a little bit more in this Chamber tonight. We can hear Patrick Henry. We can hear echos of Jefferson, echos of Madison this evening in this Chamber. What would Daniel Webster say?

□ 2115

And as much as they would rail against people assaulting other people on the basis of what they believed, certainly they would not elevate to a certain level an extra measure of protection for expression of that speech.

I thank the gentleman, I thank Mr. GOHMERT, and I thank the colleagues who are coming behind me because there is something that we should be fighting for. It's fighting for the idea that we are a Nation that is founded under God and that we have our rights emanating from a God who gave us unalienable rights, and we are losing that right tomorrow on this floor if this comes through.

Mr. KING of Iowa. I thank the gentlewoman from Minnesota very much for coming here to the floor and, Mr. Speaker, for inspiring the families across America to understand what's going on here in the United States Congress.

This is a powerful thing that is happening, and it undermines the principles of law that have held together for thousands of years in this modern era of special protected status for people based upon their self-alleged behavior and what goes on in their minds. This is a breathtaking thing that may take place here tomorrow, and I clearly oppose it, Mr. Speaker.

But in the interest of time, I'd be very happy to yield to the favorite daughter of Oklahoma, the gentlewoman (Ms. FALLIN).

Ms. FALLIN. Thank you to the gentleman from Iowa. I appreciate your hosting this hour tonight for us to discuss a very important issue to our Nation and a very important issue to this Congress and this body. And I appreciate the words that have been spoken so eloquently by my colleagues here tonight.

Mr. Speaker, I want to address a couple of things in this piece of legislation that should give us pause as we look at the intent of this legislation, this bill.

First of all, it would federalize a number of crimes that have traditionally been left to the States. Assault is a local crime. So is homicide. But under this bill, the Department of Justice would be allowed and encouraged to jump into these cases when they met certain criteria as a hate crime. The Federal Government does not have unlimited resources or even manpower; so do we really want the prosecutors, who should be dealing with things like terrorists or mobsters, dealing with and debating what a street corner thug may or may not have said or may or may not have thought when it comes to a mugging? Local law enforcement and local prosecutors, local courts do an outstanding job of handling such cases, and Congress should let them do their jobs.

But, second, this bill is also a clear violation of the equal protection clause of the 14th amendment. It creates a special class of victims. It says one victim is more important than another victim, and in doing so, it relegates every other victim to a position of second class. Assault is assault, murder is murder, and they are all hate crimes, in my opinion. But this bill elevates some victims and downgrades others. And this is every bit as unconstitutional as even a poll tax might be for this Nation.

And, third, this bill opens the door to the regulation of speech. And this really bothers me. One of our very basic foundations of our Nation, one of our very basic ideals of our Nation that we hold so dear is the freedom of speech, liberty and justice for all. I have to say I do find hate speech very abhorrent. It is childish. It is hurtful. It is wrong. But yet this piece of legislation, when you make hate speech a special precursor to a criminal act, you're only one step away from making speech itself an offense. And then who decides what comment will qualify for the hate speech?

When you look at some other countries like Canada and Great Britain who started out with hate crime laws like this and then they added hate speech as a separate offense and then what we find in those countries is now that Columnists in those countries must avoid certain subjects. Columnists must worry whether a caricature may become a crime.

And even more troubling is perhaps the way this legislation like this also threatens religion and freedom of religion. Should a Christian minister or a rabbi or an imam have to worry about what their message is maybe if it deals with something like sexuality and that might be considered to be hate speech? If so, that would be an unprecedented violation of the first amendment rights and a direct below to the religious liberty in this country.

This legislation may be well intentioned, but it also puts this country on a very dangerous path. And more importantly, the Constitution, as well as a sense of very basic fairness, prohibits the elevation of one class of citizens above another.

All victims deserve justice. All victims deserve equal justice, and it should be equally rendered. But this bill is the wrong answer, and I want to urge my colleagues to reject this legislation.

To the gentleman of Iowa, I appreciate you, once again, for allowing us the time to discuss a very important issue with our Nation and to express our opinions.

Mr. KING of Iowa. I so much thank the gentlewoman from Oklahoma for coming to the floor to raise the issue that is so important as this House prepares tomorrow to attempt to cross this great divide. This great divide from punishing the acts of a crime, the overt acts of a crime, to divining what was in the mind of the perpetrator and using a definition of what's in the mind presumably of the alleged victim in order to come to some conclusion as to how much prison time a person deserves for an overt act that can be defined but not the thoughts, Mr. Speaker.

At this point I'd be very happy to yield to the gentleman from South

Carolina. Since we had a favorite daughter from Oklahoma, I would like to introduce a favorite son of South Carolina. The wonderful hospitality of South Carolina which I have experienced in every trip I have made down there, the Representative of which is Mr. GRESHAM BARRETT.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding. Not only is the gentleman from Iowa a stalwart when it comes to the conservative cause in this House, he is a classmate of mine and a dear friend. So I certainly thank him for all the fights he has been in in the past and will continue to be in in the future.

H.R. 1913, the Hate Crimes bill, this legislation is wrong and I oppose it because it creates a special class of victim, suppresses religious freedom, and criminalizes thought.

I ask you tonight why does Lady Liberty wear a blindfold? Isn't it because our Constitution demands equal, not special, but equal protection under the law?

Under this bill, justice will no longer be equal. It will depend on a victim's race, gender, or sexual orientation. This legislation would allow for different penalties to be imposed for the exact same crime.

While I'm not a constitutional scholar probably like my friend from Iowa, it's abundantly clear to me that this bill would violate the 14th amendment by creating a special class of victims who deserve some type of special protection under the law. More importantly, I fear this legislation would unwind a key thread to our judicial system by placing higher value on one life or lifestyle over another.

In addition to creating a special class of victims, this legislation could allow for criminal prosecution of religious leaders or members of religious groups who express their beliefs of their respective faiths. Pastors, imams, rabbis, people from across the country would now be forced to question the legality of the words that they preach. Consequently, this bill would inhibit religious freedom in our society. A scary thought.

Unfortunately, constitutionally protected speech is not the only freedom jeopardized by the Hate Crimes bill. This legislation would go so far as to guess what? Criminalize thought. No matter how fervently we disagree with what someone thinks, we cannot punish them for thinking it. It is the criminal action that merits swift justice. The action, not the thought or the motivation.

I fear that H.R. 1913 is a step in the wrong direction. When I think about justice, I think about justice for all no matter who you are in the United States of America. And I would urge all my colleagues tomorrow to vote ''no'' on H.R. 1913 because I certainly will be.

I thank the gentleman from Iowa for yielding. I thank him for weighing in on this fight.

Mr. KING of Iowa. I thank the gentleman from South Carolina for coming to the floor tonight and for addressing this subject matter.

Mr. Speaker, this so-called Hate Crimes legislation that proposes to understand and punish what's in the minds of people who may be committing crimes against victims or property, victims or property, Mr. Speaker. I don't know how somebody hates somebody else's property enough that if they would paint some graffiti on their garage door that what goes on in the mind of the person that has committed this act of vandalism can be punished with 10 years in the penitentiary but the act itself might be, well, let's say, a minimal fine for a misdemeanor of vandalism.

Mr. Speaker, I will lay out some scenarios here so that you and everyone else that is listening in can understand, I think, more clearly what's ahead of us. I have asked that we put together some definitions and these definitions that aren't in the bill, the definition that I described a little bit earlier of gender identity, when I asked the authors of the bill what is gender identity, they tell me, well, it's defined in the bill, don't you know. Defined in the bill, don't you know. And it's on page 14, line 24 and 25. Gender identity is the ''actual or perceived gender-related characteristics.'' And I described it, Mr. Speaker, as describing that, well, what is the definition of a fence post? Well, that's an item that has the characteristics of a fence post. What's the definition of gender identity? Well, that's ''actual or perceived gender-related characteristics.''

This is a lawyer's dream. This is a judge's dream. This is a full-blown open license to do whatever one will when you get into a criminal court of law and argue whatever one will. This is almost intentional ambiguity written into legislation, legislation that we tried mightily to refine and perfect with definitions and clarity in the Judiciary Committee. Each effort was rebutted without a logical, and I repeat that, Mr. Speaker, without a logical rebuttal. Just simply: This is our bill, it's going to come out of committee the way it came in because we have determined that's what it's going to be. And we have exposed so many vulnerabilities, so many weaknesses, so many built-in biases, so many unjust scenarios in the debate in the committee that lasted 2 days that the Speaker of the House and the Chair of the Judiciary Committee and whoever else who has something to say about this decided we dare not allow one single amendment on the floor of the House of Representatives because if we do, it will expose these ambiguities, it will expose the bias, it will expose the departure from the hundreds of years old tradition and knowledge of what law is.

Natural rights that come from God, Mr. Speaker. They are reflected also in English common law, and they flow through our Declaration, and they show up in our Constitution. And they are billed here in this Congress for more than 200 years. And we've punished always the overt act, not the thought, Mr. Speaker. And this is thought crimes; it's not hate crimes. We can't know if someone hates. Someone could commit a crime and not know what someone else's gender identity is, for example.

I will ask again how does one know? Could I go on the streets of Madison, Wisconsin, and go identify someone that fits this category of sexual orientation and discriminate against them? How do I know, Mr. Speaker?

And here are some of the protected qualifications that exist within the language of this bill. Never mind the verbal response was, well, no, sexual orientation only includes heterosexuality or homosexuality. Nothing else? No, nothing else. The expert from Madison, Wisconsin, where they should have some experts, I would think. Heterosexuality or homosexuality. It doesn't include bisexuality.

□ 2130

So anybody on the continuum between extreme heterosexuality and extreme homosexuality, anybody that might fit exactly in the middle or anyone in the continuum, they would not be part of this definition of ''sexual orientation'' that is one of the subjects and one of the special protected classes of this bill.

So I look around, and we come up with some definitions for sexual orientation. Here is one. This is from the Merriam-Webster Dictionary, and it is sexual orientation. ''One's attraction to and preference in sexual partners.''

That is mental. It is up here. You can't know that. You can't see that. You can't tell that. It can't be independently verified. It is not an immutable characteristic. It may or may not be willfully changed by the person that has a particular sexual orientation, Mr. Speaker. That is a mental definition.

Here is the other physical definition of sexual orientation, and this is from the American Heritage Stedman's Medical—medical—Dictionary. It says this: ''Sexual activity with people of the opposite sex, the same sex or both.'' That is sexual orientation. So it might be the thought, it might be the act. It is not a physical characteristic. But gender may be a physical characteristic.

Now, I could go through this and confuse everyone more, and in the short period of time I have I will say this: We don't agree on what sexual orientation is, whether we are going to be defining it from the Merriam-Webster Dictionary or from the American Heritage Stedman's Medical Dictionary. They are two different things.

But if you look at the paraphilias that are produced by the American Psychology Association, here is what they have. And ''paraphilia'' is a powerful and persistent sexual interest other than typical sexual behavior. They have 547 specific sexual orientation proclivities, all of which are specially protected in this legislation, Mr. Speaker.

Here is another definition for sexual orientation. ''Refers to feelings and self-concept, not behavior.'' But it might be behavior, because we know that the American Heritage Stedman's Medical Dictionary says it is a behavior.

But here is a list of the particular paraphilias, you might call them proclivities, you might call them some other things, that are specially protected in this bill under the broad definition of sexual orientation. Some of these I just simply can't say here on this floor.

Asphyxophlia. That would be a fixation with, a proclivity for strangulation, starvation for oxygen.

Autogynephilia. That is someone who sees themselves as someone of the opposite sex, a man seeing himself as a woman or vice versa.

Bisexuality, which was defined in the committee as not part of it, is part of sexual orientation.

It goes on. I have a more concise list over here, Mr. Speaker, and that goes down the line of exhibitionism; incest; partialism, which is an obsession with a specific body part; masochism; sadism; scatalogia, that is obscene phone calls; toucherism, which is, you can imagine, someone who gropes; voyeurism; bestiality. The list of these things go on and on and on.

I offered the amendment, Mr. Speaker, that would have at least eliminated and given us a start, eliminated pedophilia. But pedophiles are specifically protected under this hate crimes legislation. Everything you can imagine is under there, every proclivity, every paraphilia is specially protected under this hate crimes legislation.

It makes a Federal crime out of something that has been a local crime, and they reach across the lines of logic in an unconstitutional fashion to define acts against these proclivities as Federal crimes.

So imagine this. Let's just say you were in Chicago, the President's hometown, and there are folks all in there at a sports bar watching a White Sox game versus the Cubs, or an interleague game perhaps, Mr. Speaker. And let's just understand that there is some friction involved between White Sox fans and Cubs fans, and they start to hurl some expletives and start to call each other some names and start to make some presumptions about the other side, the other fans, about what their particular proclivities might be. And someone throws a beer or an ashtray and pretty soon they get in a fight, and you have got 15 people on one side that are Cubs fans, 15 people on the other side who are White Sox fans, all of whom have been called some kind of name about their particular paraphilias or proclivities, and we have now a Federal hate crimes brawl on our hands that can enhance the penalties beyond that imagined by the aldermen of Chicago, the local jurisdiction that might be there.

It brings the Feds in to deal with this, to sort this all out, because we are going to imagine what is in the minds of these people that are Cubs fans and White Sox fans, and I for one can't imagine what would be in the mind of a White Sox fan.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. HOYER) for today.

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

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. TONKO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 5.

Mr. JONES, for 5 minutes, May 5.

Mr. MCHENRY, for 5 minutes, April 30, May 4 and 5.

Mr. CONAWAY, for 5 minutes, today and April 29.

Ms. ROS-LEHTINEN, for 5 minutes, April 29.

Mr. FLAKE, for 5 minutes, today and April 29.

Mr. CARTER, for 5 minutes, April 29.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 29, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1422. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection — received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1423. A letter from the Management Analyst, Rural Development, RUS, Department of Agriculture, transmitting the Department's final rule — General Policies, Types of Loans, Loan Requirements-Telecommunications (RIN: 0572-AC13) received March 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1424. A letter from the Acting Administrator Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Cabbage Crop Insurance Provisions (RIN: 0563-AB99) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1425. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of Pesticide Tolerance Revocation for Diazinon [EPA-HQ-OPP-2007-1170; FRL-8410-1] received April 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyhalofop-butyl; Pesticide Tolerances [EPA-HQ-OPP-2008-0361; FRL-8406-8] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0272; FRL-8406-6] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0167; FRL-8407-8] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Captan, 2,4-D, Dodine, DCPA, Endothall, Fomesafen, Propyzamide, Ethofumesate, Permethrin, Dimethipin, and Fenarimol; Technical Amendment [EPA-HQ-OPP-2007-0097; FRL-8407-2] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule — Final Amendments [EPA-HQ-OPA-2007-0584; FRL-8788-5] (RIN: 2050-AG16) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2008-0327; FRL-8403-9] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinoxyfen; Pesticide Tolerances [EPA-HQ-OPP-2008-0362; FRL-8405-2] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Castor Oil, Ehtoxylated, Oleate; Tolerance Exemption [EPA-HQ-OPP-2008-0666; FRL-8399-8] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1434. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0845; FRL-8401-5] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1435. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2006-0875; FRL-8400-8] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1436. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2007-1202; FRL-8403-7] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thymol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0081; FRL-8404-4] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1438. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triethanolamine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0346; FRL-8404-1] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tristyrylphenol Ethoxylates (CAS Reg. No. 70559-25-0) and (CAS Reg. No. 99734-09-5); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0095; FRL-8404-7] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1440. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's Annual Report for 2008, pursuant to 12 U.S.C. 3305, section 1006(f); to the Committee on Financial Services.

1441. A letter from the Designated Federal Official, Coordinating Council on Junvenile Justice and Delinquency Prevention, transmitting the Council's report entitled, ''Report of Activities and Recommendations to Congress 2001-2008; to the Committee on Education and Labor.

1442. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis MBI 600; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0762; FRL-8408-7] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1443. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment (RIN: 1904-AB74) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1444. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on Public Readiness and Emergency Preparedness (PREP) Act declarations for Botulinum toxin, Smallpox, Acute Radiation Syndrome and Pandemic Influenza, pursuant to Section 319F-3 of the Public Health Service Act; to the Committee on Energy and Commerce.

1445. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Combustion Turbines [EPA-HQ-OAR-2004-0490; FRL-8784-4] (RIN: 2060-AO23) received March 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1446. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities and Renovation Contractors [EPA-HQ-OPPT-2008-0382; FRL-8404-2] (RIN: 2070-AJ40) received March 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1447. 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; Delaware; Update to Materials Incorporated by Reference [DE103-1101; FRL-8789-7] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1448. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2009-0181; FRL-8892-8] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1449. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Diesel Idling Rule Revisions [Docket No.: EPA-R02-OAR-2008-0659, FRL-8757-6] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1450. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2008-0712; FRL-8789-6] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1451. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2008-0793; FRL-8791-6] received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1452. 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 Site offshore of the Rogue River, Oregon [EPA-R10-OW-2008-0745; FRL-8791-2] received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1453. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2008-0711; FRL-8788-9] received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1454. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — American Recovery and Reinvestment Act of 2009 (Recovery Act) Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8791-3] received April 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the One-Hour Ozone Standard for the Southern New Jersey Portion of the Philadelphia Metropolitan Nonattainment Area [EPA-R02-OAR-2008-0479; FRL-8775-5] received April 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1456. 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; Kansas; Update to Materials Incorporated by Reference [FRL-8760-9] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1457. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 46 [EPA-HQ-SFUND-2008-0575, EPA-HQ-SFUND-2008-0576, EPA-HQ-SFUND-2008-0577, EPA-HQ-SFUND-2008-0585, EPA-HQ-SFUND-2008-0580, EPA-HQ-SFUND-2008-0581, EPA-HQ-SFUND-2008-0582, EPA-HQ-SFUND-2008-0583, EPA-HQ-SFUND-2008-0083; FRL-8790-1] (RIN: 2050-AD75) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1458. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County [EPA-R06-OAR-2008-0509; FRL-8788-8] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1459. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions [EPA-R09-OAR-2007-1155; FRL-8767-5] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1460. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Variance Determination for Particulate Matter from a Specific Source in the State of New Jersey; [Docket No.: EPA-R02-OAR-2008-0020; FRL-8775-6] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1461. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Chemical Reporting; Tier II Inventory Information. [EPA-HQ-SFUND-0002; FRL-8785-3] (RIN: 2020-AE17) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1462. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Performance Specification 16 for Predictive Emissions Monitoring Systems and Amendments to Testing and Monitoring Provisions [EPA-HQ-OAR-2003-0074;

FRL-8785-4] (RIN: 2060-AG21) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1463. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Evart and Ludington, Michigan) [MB Docket No.: 08-26 RM-11418] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1464. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting certification of a proposed lease of defense articles to the United Kingdom (Transmittal No. 02-09), pursuant to 22 U.S.C. 39, 62(a); to the Committee on Foreign Affairs.

1465. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services (Transmittal No. 09-17), pursuant to Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1466. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Mexico for defense articles and services (Transmittal No. 09-13), pursuant to Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1467. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to the United Arab Emirates (Transmittal No. DDTC 009-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1468. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed export of defense articles and services to Spain (Transmittal No. DDTC 135-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1469. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of defense articles to Turkey (Transmittal No. DDTC 014-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1470. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Japan (Transmittal No. DDTC 017-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1471. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Italy and the United Kingdom (Transmittal No. DDTC 016-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1472. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Mexico (Transmittal No. DDTC 006-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1473. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete the mission in Iraq successfully, pursuant to Public Law 109-163, as amended by Public Law 110-181, section 1223 and Pub. L. 110-47, section 1213(c); to the Committee on Foreign Affairs.

1474. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on U.S. support for Taiwan's participation as an observer at the 62nd World Health Assembly and in the work of the World Health Organization, as mandated in the Participation of the 2004 Taiwan in the World Health Organization Act, Pub. L. 108-235, Sec. 1(c); to the Committee on Foreign Affairs.

1475. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's Annual Report on Security-Related Assistance Provided by the United States to the Countries of Central Asia for fiscal year 2008, pursuant to Public Law 110-161, section 698(C); to the Committee on Foreign Affairs.

1476. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's annual report for 2007 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

1477. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report for 2009 entitled, ''Celebrating Life'', pursuant to Public Law 108-25; to the Committee on Foreign Affairs.

1478. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification for Fiscal Year 2009 that no United Nations organization or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 102(g); to the Committee on Foreign Affairs.

1479. A letter from the Chairman, House Democracy Assistance Commission, transmitting the Commission's 2007 annual report, prepared in accordance with section 3(c) of House Resolution 24; to the Committee on Foreign Affairs.

1480. A letter from the Associate Attorney General, Department of Justice, transmitting the Department's 2008 annual report on certain activities pertaining to the Freedom of Information Act, as amended; to the Committee on Oversight and Government Reform.

1481. A letter from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's report for fiscal year 2008 on articles, materials, or supplies purchased outside of the United States; to the Committee on Oversight and Government Reform.

1482. A letter from the Acting Secretary, Department of Health and Human Services, transmitting a designation of additional members of the Special-Exposure Cohort from Tyson Valley Farm near Eureka, Missouri, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

1483. A letter from the Secretary, Judicial Conference on the United States, transmitting a draft bill to create Article III judgeships and address needs regarding existing temporary judgeships in the U.S. courts of appeals and district courts; to the Committee on the Judiciary.

1484. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification of the establishment of the Illinois State Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

1485. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification of the establishment of the North Carolina State Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

1486. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification of the establishment of the Minnesota State Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

1487. A letter from the Register of Copyrights, United States Copyright Office, transmitting a schedule of proposed new copyright fees and the accompanying analysis, pursuant to Public Law 105-80 (111 Stat. 1529); to the Committee on the Judiciary.

1488. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula [EPA-HQ-OW-2006-0765; FRL-8792-3] (RIN: 2040-AE99) received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. Supplemental report on H.R. 1913. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes (Rept. 111–86 Pt. 2).

Mr. MCGOVERN: Committee on Rules. House Resolution 371. Resolution providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014 (Rept. 111–90). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 372. A resolution providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes (Rept. 111–91). 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 Mrs. MALONEY (for herself, Ms. BALDWIN, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. POLIS of Colorado, Mr. DELAHUNT, Ms. HIRONO, Mr. FARR, Mr. ISRAEL, and Mr. NADLER of New York):

H.R. 2132. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Education and Labor, and in addition to the Committees on House Administration, and Oversight and Government

Reform, 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. HIGGINS (for himself, Mr. LEE of New York, Mr. MASSA, Mrs. MALONEY, and Mr. ISRAEL):

H.R. 2133. A bill to amend the Act of August 21, 1957, to allocate funds from certain electric power sales from the Niagara Power Project in New York to capital needs of Western New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Mrs. BONO MACK, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. PIERLUISI):

H.R. 2134. A bill to establish the Western Hemisphere Drug Policy Commission; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and 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. REHBERG (for himself and Ms. MARKEY of Colorado):

H.R. 2135. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Energy and Commerce.

By Ms. FUDGE:

H.R. 2136. A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. STARK, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. MEEKS of New York, and Mr. FRANK of Massachusetts):

H.R. 2137. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require individual and group health insurance coverage and group health plans and Federal employees health benefit plans to provide coverage for routine HIV screening; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, 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. KENNEDY (for himself, Mr. SULLIVAN, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. MICHAUD, and Mr. BOREN):

H.R. 2138. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Mr. KIRK):

H.R. 2139. A bill to direct the President to develop and implement a comprehensive national strategy to further the United States foreign policy objective of promoting global development, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YARMUTH (for himself and Mr. BOUSTANY):

H.R. 2140. A bill to amend the Internal Revenue Code of 1986 to modify the withholding requirement with respect to proceeds from certain pari-mutuel wagers; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Mr. RUSH, Mr. HARE, Mr. SIRES, Mr. GORDON of Tennessee, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. AL GREEN of Texas, Ms. CLARKE, and Ms. FUDGE):

H.R. 2141. A bill to reform the United States Interagency Council on Homelessness; to the Committee on Financial Services.

By Mr. CUELLAR (for himself and Mr. MOORE of Kansas):

H.R. 2142. A bill to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council; to the Committee on Oversight and Government Reform.

By Mr. DONNELLY of Indiana (for himself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. PLATTS):

H.R. 2143. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. FRANKS of Arizona, Mr. ROHRABACHER, and Ms. FALLIN):

H.R. 2144. A bill to permit a State to elect to receive the State's contributions to the Highway Trust Fund in lieu of its Federal-aid Highway program apportionment for the next fiscal year, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 2145. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds a minimum COLA-adjusted amount of $2,500 and to provide for a graduated implementation of such provision on amounts above such minimum amount; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 2146. A bill to amend the Internal Revenue Code of 1986 to extend the additional standard deduction for State and local real property taxes; to the Committee on Ways and Means.

By Mr. HODES (for himself, Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. BRALEY of Iowa, and Mr. TONKO):

H.R. 2147. A bill to establish the Global Warming Economic Oversight Commission to study and report on the use by the Federal Government of funds from any auction or sale of greenhouse gas emissions allowances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mrs. MALONEY, Mr. BLUMENAUER, Mr. WEXLER, Mr. DELAHUNT, Mr. VAN HOLLEN, and Mr. ENGEL):

H.R. 2148. A bill to promote the development and use of marine renewable energy technologies, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Energy and Commerce, and 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. KENNEDY (for himself and Mr. CANTOR):

H.R. 2149. A bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVIN (for himself, Mr. DINGELL, Mr. KILDEE, Mr. UPTON, Mr. EHLERS, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. STUPAK, Ms. SUTTON, Mr. KUCINICH, Mr. MCCOTTER, Mr. SCHAUER, Mr. PETERS, Mr. HILL, Mr. GONZALEZ, Mr. DONNELLY of Indiana, Mr. HIGGINS, Mr. BACA, Ms. MCCOLLUM, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. GORDON of Tennessee, Mr. CAMP, Mr. MCHUGH, Mr. WILSON of Ohio, Ms. ESHOO, Mr. SOUDER, Ms. KILROY, Mr. HOEKSTRA, and Mr. YARMUTH):

H.R. 2150. A bill to increase the amount of direct loans that may be provided by the Secretary of Energy to improve facilities for advanced technology vehicles manufacturing; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 2151. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. PERLMUTTER:

H.R. 2152. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2153. A bill to amend chapter 44 of title 18, United States Code, to increase the extent to which State law is used in determining whether a criminal conviction under State law is sufficient to deny a person the right to ship, transport, possess, or receive a firearm; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 2154. A bill to amend chapter 15 of title 5, United States Code, to provide for an additional, limited exception to the provision prohibiting a State or local officer or employee from being a candidate for elective office; to the Committee on Oversight and Government Reform.

By Mr. STUPAK (for himself and Mr. BRALEY of Iowa):

H.R. 2155. A bill to provide for the limitation on entry of steel, drywall, and cement products that fail to meet industry standards; to the Committee on Ways and Means.

By Mr. TONKO (for himself, Mr. ARCURI, Mr. SCHAUER, Mr. TEAGUE, Mr. PERRIELLO, Ms. MARKEY of Colorado, Ms. TITUS, Mr. HALL of New York, and Mr. NADLER of New York):

H.R. 2156. A bill to implement a pilot program to establish truck parking facilities; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 2157. A bill to provide increased funding for and improvement of the Debbie Smith DNA backlog grant program, to provide for DNA technology enhancement grants, to reauthorize certain DNA-related grant programs under the Justice For All Act of 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. WELCH:

H.R. 2158. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain

nonroad equipment with alternative power sources; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H. Con. Res. 111. Concurrent resolution recognizing the 61st anniversary of the independence of the State of Israel; to the Committee on Foreign Affairs.

By Ms. MOORE of Wisconsin (for herself and Mr. MCHENRY):

H. Con. Res. 112. Concurrent resolution expressing support for designation of a ''National Lao-Hmong Recognition Day''; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio (for himself and Mr. BOCCIERI):

H. Con. Res. 113. Concurrent resolution expressing the sense of Congress regarding the murder of United States Air Force Reserve Major Karl D. Hoerig and the need for prompt justice in State of Ohio v. Claudia C. Hoerig; to the Committee on Foreign Affairs.

By Mrs. BACHMANN:

H. Res. 373. A resolution expressing support for designation of the month of September as ''National Hydrocephalus Awareness Month''; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself and Mr. GUTHRIE):

H. Res. 374. A resolution recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BRALEY of Iowa, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. GEORGE MILLER of California, Mr. HARE, Mr. LOEBSACK, Mr. CARSON of Indiana, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. COURTNEY, Ms. SUTTON, and Mr. GUTIERREZ):

H. Res. 375. A resolution supporting the goals and ideals of Workers' Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Education and Labor.

By Mr. ROGERS of Michigan (for himself and Ms. WASSERMAN SCHULTZ):

H. Res. 376. A resolution expressing support for designation of the calendar year 2009 as ''The Year of the Safe Child'' to raise awareness and encourage the prevention of unintentional injuries among the Nation's children; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MARCHANT.
H.R. 21: Mrs. NAPOLITANO.
H.R. 22: Mr. PERLMUTTER and Mr. HEINRICH.
H.R. 52: Ms. ROS-LEHTINEN, Mr. ROYCE, and Mr. MANZULLO.
H.R. 179: Mr. LATOURETTE.
H.R. 197: Mr. WILSON of Ohio, Mr. ROE of Tennessee, Mr. MCCAUL, Mr. COLE, Mr. SHIMKUS, Mr. CHILDERS, and Mr. MARCHANT.
H.R. 203: Mr. BURGESS.
H.R. 233: Mr. PETERSON.
H.R. 262: Mr. CONNOLLY of Virginia.
H.R. 270: Mr. KLINE of Minnesota and Mr. BROUN of Georgia.
H.R. 333: Mr. RYAN of Ohio, Mr. RODRIGUEZ, Mr. BISHOP of Utah, and Mr. CONNOLLY of Virginia.
H.R. 362: Mr. PETERSON.
H.R. 387: Mr. GALLEGLY.
H.R. 403: Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. KENNEDY, Mr. SCOTT of Virginia, and Mr. SERRANO.
H.R. 442: Mr. STEARNS, Mr. NEUGEBAUER, Mr. KLINE of Minnesota, Mr. SHIMKUS, and Mr. YOUNG of Alaska.
H.R. 484: Ms. HERSETH SANDLIN, Mr. MCCOTTER, and Mr. PETERSON.
H.R. 556: Mr. MCNERNEY.
H.R. 558: Mr. GORDON of Tennessee.
H.R. 600: Mr. CAPUANO.
H.R. 621: Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, Mr. GALLEGLY, Mr. PAYNE, and Mr. PLATTS.
H.R. 669: Ms. ROS-LEHTINEN, Mr. LEWIS of Georgia, and Mr. ROTHMAN of New Jersey.
H.R. 702: Mr. KILDEE.
H.R. 874: Mr. KILDEE.
H.R. 877: Mr. GOODLATTE.
H.R. 904: Mr. PETERSON.
H.R. 952: Mrs. HALVORSON, Mr. DEFAZIO, Mr. CARSON of Indiana, Mrs. KIRKPATRICK of Arizona, and, Mr. MICHAUD.
H.R. 997: Mr. ROONEY.
H.R. 1018: Mr. FARR.
H.R. 1020: Mr. GONZALEZ, Mr. LYNCH, and Mr. TIERNEY.
H.R. 1027: Mr. MARCHANT and Mr. DEAL of Georgia.
H.R. 1053: Mr. GERLACH and Mr. CONNOLLY of Virginia.
H.R. 1067: Mr. PETERSON.
H.R. 1074: Mr. STEARNS, Mr. NEUGEBAUER, Mr. COLE, Mr. SHIMKUS, Mr. CHILDERS, Mr. YOUNG of Alaska, Mr. MACK, and Mr. MARCHANT.
H.R. 1086: Mr. STEARNS.
H.R. 1087: Mr. GOODLATTE.
H.R. 1136: Mr. CONNOLLY of Virginia and Mr. COLE.
H.R. 1179: Mr. WITTMAN.
H.R. 1188: Ms. ESHOO, Mr. ELLISON, Mr. PIERLUISI, Mr. FATTAH, Mrs. MALONEY, Mr. LATOURETTE, Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. FILNER, Mr. TEAGUE, Mr. MORAN of Virginia, Mr. JONES, Mr. MCCOTTER, Mr. ALEXANDER, Mr. FLEMING, Mr. PERLMUTTER, Mrs. CAPPS, Mr. CARNEY, and Ms. WOOLSEY.
H.R. 1189: Mr. PETERSON.
H.R. 1190: Mr. BRIGHT.
H.R. 1204: Mr. SMITH of Nebraska and Mr. MURTHA.
H.R. 1207: Mr. BROWN of South Carolina, Mrs. BIGGERT, Mr. PITTS, Mr. TIAHRT, Mrs. MYRICK, Mr. PUTNAM, Mr. LATOURETTE, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Ms. GRANGER, Mr. SIMPSON, Mr. BARRETT of South Carolina, Mr. GOODLATTE, and Mr. SMITH of Nebraska.
H.R. 1209: Mr. KISSELL.
H.R. 1210: Mr. MILLER of North Carolina.
H.R. 1211: Mr. TONKO and Mr. NADLER of New York.
H.R. 1213: Mr. INSLEE.
H.R. 1231: Mrs. DAVIS of California.
H.R. 1318: Mr. CARSON of Indiana.
H.R. 1326: Mr. ROTHMAN of New Jersey.
H.R. 1327: Mr. BACA, Mr. REICHERT, Ms. GIFFORDS, Ms. LEE of California, Mr. BROUN of Georgia, Mr. MEEK of Florida, Mr. LANCE, Mr. HOLT, Mr. CAPUANO, Mr. ROGERS of Alabama, Mr. HONDA, and Mr. DENT.
H.R. 1336: Mr. MICHAUD.
H.R. 1362: Mr. BOYD.
H.R. 1410: Ms. ZOE LOFGREN of California.
H.R. 1415: Mrs. BLACKBURN, Mr. SESTAK, and Mr. HILL.
H.R. 1430: Mr. GRIJALVA.
H.R. 1449: Mr. LATTA.
H.R. 1452: Mr. GOODLATTE.
H.R. 1454: Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. ROE of Tennessee, Mr. POSEY, Mr. BLUMENAUER, Mr. CHAFFETZ, and Ms. CORRINE BROWN of Florida.
H.R. 1470: Mr. SESSIONS and Mr. AKIN.
H.R. 1474: Mr. COURTNEY, Mr. MILLER of North Carolina, Mr. PETERSON, and Mr. HOLT.
H.R. 1475: Mr. JACKSON of Illinois.
H.R. 1479: Mr. AL GREEN of Texas and Mrs. CHRISTENSEN.
H.R. 1499: Mr. WITTMAN.
H.R. 1511: Mr. WOLF, Mr. PAYNE, and Mr. CARNAHAN.
H.R. 1545: Mr. PAUL.
H.R. 1549: Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, and Mr. BLUMENAUER.
H.R. 1558: Mr. BRALEY of Iowa.
H.R. 1585: Mr. POLIS of Colorado and Mr. BOOZMAN.
H.R. 1589: Ms. MATSUI, Ms. BORDALLO, Mr. MCGOVERN, Mr. BERMAN, and Ms. ROS-LEHTINEN.
H.R. 1600: Mr. DOYLE.
H.R. 1605: Mr. CARNAHAN.
H.R. 1621: Mr. BILBRAY and Mr. POE of Texas.
H.R. 1625: Mr. LATHAM, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. BONNER, Mr. SMITH of Nebraska, and Mr. GUTHRIE.
H.R. 1646: Ms. TITUS.
H.R. 1670: Mr. MCCOTTER and Mr. PETERSON.
H.R. 1676: Mr. ISSA.
H.R. 1684: Mr. BACHUS, Mr. BURTON of Indiana, Mr. STEARNS, and Mr. COLE.
H.R. 1692: Mr. MCHENRY, Mr. PAUL, Mr. BURTON of Indiana, and Mr. SOUDER.
H.R. 1693: Mr. PLATTS and Mr. SESTAK.
H.R. 1708: Mr. PETERSON and Mr. RAHALL.
H.R. 1709: Mr. HONDA and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1710: Mr. PRICE of Georgia and Mr. JACKSON of Illinois.
H.R. 1723: Ms. BERKLEY and Mr. JACKSON of Illinois.
H.R. 1724: Mr. MURPHY of Connecticut.
H.R. 1739: Ms. SCHAKOWSKY.
H.R. 1740: Mr. SMITH of New Jersey and Mr. GINGREY of Georgia.
H.R. 1742: Mr. GEORGE MILLER of California.
H.R. 1744: Mr. ALEXANDER, Mr. ADERHOLT, Mr. WITTMAN, Mr. WHITFIELD, Mr. JOHNSON of Illinois, Mr. ARCURI, Mr. TURNER, Mr. JORDAN of Ohio, Mr. BARRETT of South Carolina, Mr. SMITH of Nebraska, Mr. BUTTERFIELD, and Ms. CASTOR of Florida.
H.R. 1802: Mr. PITTS.
H.R. 1827: Mr. GONZALEZ.
H.R. 1835: Mr. COLE and Mr. THORNBERRY.
H.R. 1842: Ms. CORRINE BROWN of Florida.
H.R. 1849: Mr. MOORE of Kansas and Mr. MEEKS of New York.
H.R. 1877: Mr. COURTNEY.
H.R. 1884: Ms. CASTOR of Florida, Mr. FILNER, Mr. LOEBSACK, Mr. POMEROY, Ms. MCCOLLUM, Ms. MOORE of Wisconsin, Mr. MCHUGH, and Ms. KAPTUR.
H.R. 1925: Mr. KUCINICH, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WELCH, Mr. SMITH of Washington, and Mr. SABLAN.
H.R. 1941: Mr. HOLDEN.
H.R. 1944: Mr. CANTOR and Mrs. BACHMANN.
H.R. 1948: Mr. MCHUGH.
H.R. 1956: Ms. HIRONO.
H.R. 1960: Mr. HENSARLING.
H.R. 1966: Mr. SPACE, Ms. TITUS, and Mr. LUETKEMEYER.
H.R. 1977: Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, and Mr. NYE.
H.R. 1985: Mr. MORAN of Kansas.
H.R. 1993: Mr. CARNAHAN, Mr. COSTA, and Mr. BISHOP of New York.
H.R. 1998: Mr. CUELLAR and Mr. FLEMING.
H.R. 2014: Mr. GALLEGLY, Mr. BERMAN, Mr. GERLACH, and Mr. KENNEDY.
H.R. 2020: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2034: Mr. AL GREEN of Texas.
H.R. 2038: Mr. ISRAEL.
H.R. 2047: Mr. MCHUGH.
H.R. 2060: Mr. KENNEDY.
H.R. 2067: Mr. ANDREWS, Mr. KILDEE, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SABLAN, Mr. FRANK of Massachusetts, and Ms. CLARKE.
H.R. 2070: Ms. HARMAN.
H.R. 2077: Ms. SCHAKOWSKY and Ms. KAPTUR.
H.R. 2081: Mrs. MALONEY.
H.R. 2103: Mr. TERRY and Ms. ZOE LOFGREN of California.
H.R. 2110: Mr. FRANKS of Arizona and Ms. HIRONO.
H.R. 2116: Mr. BOREN.
H. Con. Res. 18: Mr. SULLIVAN.
H. Con. Res. 102: Mr. LEWIS of Georgia, Mr. MARKEY of Massachusetts, Ms. WATSON, Mr. HARE, and Mr. SERRANO.
H. Con. Res. 108: Ms. LEE of California, Mr. DELAHUNT, and Mr. HALL of New York.
H. Res. 57: Mr. MCMAHON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BUTTERFIELD, Ms. BALDWIN, Mr. WELCH, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. WAXMAN, Mr. ENGEL, and Mr. WEINER.
H. Res. 90: Ms. BORDALLO.
H. Res. 156: Mrs. MYRICK.
H. Res. 166: Ms. CASTOR of Florida.
H. Res. 175: Mr. SCHIFF.
H. Res. 185: Mr. MARSHALL and Mrs. MYRICK.
H. Res. 191: Mr. FORBES, Ms. DEGETTE, and Mr. TONKO.
H. Res. 192: Ms. DELAURO, Mr. LOEBSACK, Mr. BOOZMAN, Mr. ARCURI, Mr. FRANK of Massachusetts, Mr. MCCOTTER, Mr. HOLT, Ms. NORTON, Mr. MEEKS of New York, Mr. SKELTON, Mr. ISRAEL, Mr. LANCE, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. KIND, Mr. WU, Mr. HARE, Mr. GERLACH, Mr. MARCHANT, Mr. SMITH of New Jersey, Mr. RUSH, and Mrs. NAPOLITANO.
H. Res. 204: Mr. UPTON, Mr. REICHERT, and Mr. SHIMKUS.
H. Res. 209: Mr. HINCHEY.
H. Res. 259: Mr. LUETKEMEYER, Mr. GOODLATTE, and Mr. DINGELL.
H. Res. 260: Ms. WATSON and Ms. WATERS.
H. Res. 266: Mr. HASTINGS of Florida and Mr. MARSHALL.
H. Res. 267: Mr. FATTAH, Mr. WEXLER, Mr. NADLER of New York, Mr. COHEN, Ms. BALDWIN, and Ms. EDWARDS of Maryland.
H. Res. 270: Mr. GOODLATTE.
H. Res. 272: Mr. HENSARLING.
H. Res. 291: Mr. FILNER, Mrs. MCCARTHY of New York, and Mrs. LOWEY.
H. Res. 299: Ms. DELAURO and Mr. COSTA.
H. Res. 314: Mr. GINGREY of Georgia, Mr. COURTNEY, Mr. GUTHRIE, Mr. SERRANO, Mr. DRIEHAUS, Mr. SESTAK, Mr. MOORE of Kansas, and Mr. ROTHMAN of New Jersey.
H. Res. 331: Mr. BISHOP of New York and Mr. KLEIN of Florida.
H. Res. 338: Mr. MASSA, Mr. BISHOP of Georgia, Ms. GINNY BROWN-WAITE of Florida, and Mr. WAXMAN.
H. Res. 345: Mr. ELLISON, Ms. KAPTUR, Mr. PERRIELLO, and Mr. MCGOVERN.
H. Res. 347: Mr. SCOTT of Virginia, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. WITTMAN, and Mr. FORBES.
H. Res. 349: Mr. CONAWAY, Mr. WU, Mr. CAO, Mr. WALZ, Ms. BORDALLO, Mr. MCMAHON, Mr. HINOJOSA, Mr. BARTON of Texas, and Mr. FORBES.
H. Res. 350: Mr. CONAWAY, Mr. GENE GREEN of Texas, and Mr. ALTMIRE.
H. Res. 357: Mr. DONNELLY of Indiana, Mr. JOHNSON of Illinois, and Ms. CLARKE.
H. Res. 360: Mrs. MCMORRIS RODGERS, Mr. ROONEY, Mr. POE of Texas, and Mrs. MYRICK.
H. Res. 363: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 367: Ms. HIRONO, Mrs. NAPOLITANO, Mr. NADLER of New York, Mr. ARCURI, Mr. SIRES, Mr. COSTELLO, Mrs. TAUSCHER, Mr. CUMMINGS, and Mr. GERLACH.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, APRIL 28, 2009 No. 63

Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, our guard and guide, look with mercy upon our Senators in these challenging times. Draw them close to You and to each other in humility, so that they will sincerely seek to find common ground. Spare them from arrogating to themselves the judgments which belong only to You. As they seek to confront history's surprises, may they lean not upon their abilities but put their ultimate trust in You. Prepare them to expect and celebrate the healing intervention of Your powerful providence. Remind them that You are waiting to bless them and have specific answers to their questions as they listen for Your voice.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of Kathleen Sebelius to be Secretary of Health and Human Services. There will be up to 8 hours for debate prior to a vote, with a 60-vote affirmation required for confirmation. That is by agreement.

I would indicate we have a few speakers on our side but not 4 hours worth. In fact, if we get up to an hour, it will be a surprise to me. So we will yield back a lot of that time.

At 12 noon we will vote on passage of the Fraud Enforcement and Recovery Act.

The Senate will recess from 12:30 until 2:15 today for our weekly caucus luncheons. Following the caucus recess, the Senate will resume debate on the Sebelius nomination, with the vote expected sometime later in the afternoon or evening.

Last night, the budget conferees filed a conference report accompanying the budget resolution. We expect to consider the conference report sometime tomorrow.

Finally, I expect the Senate to begin consideration of housing legislation this week. We have not finalized that with the distinguished Republican leader and members of his caucus, but I think we are getting very close. What we anticipate—I have filed, under rule XIV, the House-passed bill minus the bankruptcy provision. It is contemplated that the first amendment will be offered by Senator DURBIN, to put the bankruptcy provision back in the bill. Then after that, we would take a look at the bill to see if anything else needed to be done. But the Durbin amendment would include just the bankruptcy language. There are issues in this dealing with FDIC and other things we are told the banking community and financial world needs, and we will take a look at that. That is how we will get to that legislation. We hope to do that within the next 24 hours or something like that.

I have indicated to the Republican leader that the next nomination we are concerned about is Tom Strickland, the Chief of Staff of the Secretary of Interior. I had good conversations with Senator BUNNING last week. He has some questions he wants answered. He put that in writing to the Secretary. That has been all taken care of. Senator BUNNING said he was not worried about delaying the vote but he wants an opportunity to be able to speak in regard to him, and I think there are other Senators who feel the same way, so hopefully we can work that out.

Then we are going to the credit card legislation, which was reported out of the Banking Committee. That is something that will not be real easy to do, but polling numbers indicate that almost 90 percent of the American people want us to do something with credit cards so it is something we have to do.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

I have talked with the Republican leader about other things we wish to try to accomplish before we leave here during this spring period.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO BAY

Mr. McCONNELL. Mr. President, tomorrow night in Berlin, Attorney General Holder is scheduled to deliver a speech about the administration's plan to shut down the detention facility at Guantanamo Bay by the arbitrary deadline of January 2010.

Many Americans are skeptical of the administration's decision to close Guantanamo before it has a plan to deal with the 240 terrorists who are currently housed there. And Americans were rightly alarmed by recent news reports that the administration is considering releasing some Guantanamo detainees into the U.S.—not to detention facilities, but directly into our neighborhoods.

Aside from the question of why the Attorney General thinks a German audience should hear about the administration's plans for Guantanamo before the American people do, there are a number of questions about the administration's plan for releasing terrorists into the United States that I hope the Attorney General will address tomorrow night.

Queston No. 1: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist training, or belongs to a terrorist group? That is U.S. law.

Question No. 2: Can the administration guarantee the safety of the American people, particularly in the neighborhoods where these terror-trained detainees will live?

Question No. 3: Will the residents of the communities where these men will be released be made aware of it?

Question No. 4: Will these trained terrorists be allowed to travel freely anywhere in the United States?

Question No. 5: What will their status be? Will they be allowed to stay here permanently? Will they be eligible for citizenship? Will they receive or be eligible to receive taxpayer funding? Why did no other country agree to accept them? What threat do these men pose of returning to terrorist activities and what threat assessments have been conducted to evaluate whether these men will attack U.S. troops on the battlefield or Americans at Embassies abroad?

There are now less than 300 days until the President's Executive order mandates the closure of the secure detention facility at Guantanamo and the transfer or release of its remaining detainees. I recognize the difficulty of the challenge these detainees present, but we shouldn't let an arbitrary deadline and a desire to appease critics overseas lead to decisions that make American citizens less safe.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 8 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Montana is recognized

Mr. BAUCUS. Mr. President, the Senate confirmed the first member of President Obama's Cabinet more than 3 months ago. Today, we are here to finish the job.

It has taken some time to get here. But now we have a great nominee to be Secretary of Health and Human Services.

Today, we will vote to confirm the nomination of Governor Kathleen Sebelius to be Secretary of HHS. She is the right person for the job.

Governor Sebelius comes to us with a long list of qualifications. She is a true public servant. For more than 6 years, she has served as Governor of Kansas. For 8 years, she served as the Kansas Insurance Commissioner. And for 8 years before that, she served in the Kansas State Legislature.

Governor Sebelius has devoted a career to serving the public. She understands the legislative process. She understands the administrative process. And she has experience working with the private sector, too. Governor Sebelius has earned the respect of Republicans and Democrats alike.

Governor Sebelius knows a lot about health care. She is committed to protecting people and getting them the health care that they need. As Governor, she worked hard to make sure that Kansans—especially kids—had access to quality health insurance that they could afford. And as Insurance Commissioner, Governor Sebelius blocked a merger that would have made insurance unaffordable.

In addition to protecting consumers, Governor Sebelius also recognizes the need to bring businesses together to make our health care system work.

As Governor, she worked hard to make health care costs more manageable for businesses. And she worked to get more small businesses to offer health insurance coverage. Governor Sebelius doubled the small business tax credit.

Governor Sebelius' record shows that she approaches problems from all sides. She is prepared to try creative solutions. She is forward-thinking. She is willing to work with everyone. And she is not afraid to lead—even when faced with difficult choices and resistance to change. That is just the kind of leadership that we need in the Secretary of Health and Human Services.

Governor Sebelius has proven that she is willing to work hard and it is a good thing because we have a lot of work to do.

Our health care system is broken. We spend more than any other country on health care—more than $2.4 trillion annually—and we don't even cover all Americans.

Forty-six million Americans lack health insurance, and another 25 million Americans are underinsured—they have some coverage but not enough to keep their medical bills manageable. That is why medical debt contributes to half of all bankruptcies—affecting about 2 million people a year.

American families are struggling to keep up with the high costs of health care. And American businesses are straining to absorb these rising costs while trying to stay competitive at home and abroad.

The path that we are on is not sustainable. We must inform our health care system and we must do it now. Failure to address problems in the health care system will undermine our efforts to restore the economy.

We need a health care system that meets all of our needs. A high-performing health care system would guarantee all Americans affordable, quality coverage no matter their age, health status, or medical history.

Health care reform will help to stabilize our economy and it will make sure that we are prepared to handle our long-term fiscal challenges.

Congress has made a good start toward reform. But there is still a long way to go.

Last year, we in the Finance Committee started the process by holding ten different health reform hearings. We learned about the problems in our current system and started to develop solutions.

In June, along with my colleague CHUCK GRASSLEY, I hosted a day-long health care summit for the Finance Committee at the Library of Congress.

We engaged our colleagues in the process early on. In November, I released a white paper, ''A Call to Action,'' to outline my vision for health care reform. Since then, I have been

working closely with Senator GRASSLEY and the Senators on the Finance Committee. I have been working with other Senators as well, especially Senator KENNEDY and the HELP Committee, to come up with meaningful, comprehensive health reform legislation we could pass this year.

Last week, the Finance Committee held the first of three roundtables. We discussed delivery system reform. Tomorrow we are walking through some policy options. In the coming weeks, we will have two more roundtables and work through other policy options in other areas.

Senators will weigh the options. They will contribute to the process. By June, we will be ready for a Finance Committee markup. We are working together to make good progress, but Congress cannot do this alone. Congress needs a strong partner at HHS to pass comprehensive health reform.

We are developing a framework that will change how health care is delivered. But we need a first-class Secretary and team at HHS to help get reform off the ground and to make it work. I look forward to working with Governor Sebelius to make sure our bill can be implemented. I wish to make sure we send the Secretary a product that sets the rules of the game. We wish to make sure we also give the Department and agencies the flexibility they will need to play their part effectively.

It will be a long and iterative process, with a lot of back and forth. I am pleased we will be able to get started quite soon.

Governor Sebelius is the right person for the job. She has political experience, determination, and a bipartisan work ethic to get the job done. She has been an insurance commissioner, and she knows the nuts and bolts of the health care system. She has been a Governor, so she knows how to work with Democrats and with the Republicans; that is her inclination anyway.

I have no doubt Governor Sebelius will continue to show her commitment to public service as Secretary of Health and Human Services, and the American people will benefit from her service. Let us finish the job in confirming President Obama's Cabinet. Let's place a fine public servant in office, and let's confirm Gov. Kathleen Sebelius to be Secretary of HHS.

Mr. President, I wish to yield 5 minutes to the Senator from Virginia, Mr. WARNER, for him to speak when he can get recognition. Pending that recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS.) Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise in support of the nomination of Gov. Kathleen Sebelius for Secretary of Health and Human Services. Mr. President, let me say at the outset how grateful all our Senate colleagues are for your leadership on the terribly important issue of health care reform.

As we think about economic recovery, I think most Members of the Senate realize there will not be true comprehensive economic recovery in this country unless we can also take on the massive challenge of reforming our health care system. The current costs of our health care system, $2.4 trillion and rising, are costs that are not sustainable over the long term.

I applaud the President's activities in this effort and his efforts to try to bring about the kind of bipartisan consensus on health care reform the Nation so desperately needs. That is why I think it is so important that later today the Senate act rapidly in the confirmation of Gov. Kathleen Sebelius.

I have had the opportunity to get to know Governor Sebelius during my tenure as Governor of Virginia. I have worked closely with her on a range of issues, particularly issues revolving around Medicaid reform. There is no issue that confronts States across the country more than the rising cost of Medicaid.

As we take on health care reform at the Federal level, reform of Medicaid is a critical component, and Governor Sebelius has a long record of working with other Governors all across the country, from both parties, in this important area.

As the Presiding Officer laid out, she brings a unique set of skills to the challenge: Former State legislator, former State insurance commissioner, and now a two-term Governor of Kansas. As we strive in this body to try to reach bipartisan consensus on this terribly important issue, no one brings a better record of working across the aisle to reach that bipartisan consensus than Governor Sebelius.

Governor Sebelius has a legislature that is overwhelmingly of the opposite party, but her overwhelming reelection and her ability to show tangible efforts in the area of health care reform in Kansas gives her the appropriate background to take on this challenge in the national debate.

For example, Governor Sebelius worked with her legislature and her small business community to significantly increase tax benefits to small business for healthcare; employees in this area of our economy are oftentimes left behind. Governor Sebelius recently worked with her legislature as well on a dramatic expansion of the SCHIP program, a legislative initiative that was actually introduced by the Republican legislative leadership. Again, she worked in concert with the opposite party.

As we move forward on the issue of health care reform, which I know the Presiding Officer will take the leadership on in the Senate, we need, and President Obama needs, someone who has a long-term record of building bridges between parties.

Health care reform is too important not to have this kind of consensus-building activity. Governor Sebelius has the background. Governor Sebelius has the track record in health care. I can speak, personally, that she has the temperament to work to try to bring both sides together.

I would also add, I think most of us in these last few days have not been able to pick up a newspaper or talk to our constituents back home without hearing about growing concern about the possibility of a swine flu pandemic.

This challenge has already paralyzed the country of Mexico and is one that we all are following very closely, particularly the possible rise of cases in the United States. This challenge, potentially confronts our Nation in a very dramatic way.

It is essential for the health of the Nation that President Obama has in place, and the Nation has in place, a strong Secretary of Health and Human Services to make sure our Federal efforts on this potential pandemic are ably coordinated—one more reason why it is critical this body moves quickly to confirm the nomination of Governor Sebelius. I know we will act on this later today.

But I believe, from a personal standpoint, Kathleen Sebelius will be a great addition to President Obama and to his Cabinet and will be a great partner to you, Mr. President, and our colleagues in making sure we bring about health care reform quickly, rapidly, and properly this year.

Mr. President, I yield the floor and ask that the time of the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, over the past 8 weeks, there has been a Senator in here who has struggled with the birth of twin granddaughters born at 30 weeks, to a first-time mom, his son's wife, and went through a struggle that was near death multiple times.

But yet today, I am pleased to announce that those two baby girls are at home with their parents, thriving, thriving now, life held in the balance, brought out of that balance by modern medicine. Now they will be successful, contributing citizens, with potential that will be manifested in millions and millions of ways that we can all look forward to and accept as a natural response to our procreative abilities.

Why do I bring that up? There was not anybody in this room, and probably

anybody listening, who did not smile when we talked about the potential of two new young children, two new young girls who are going to make an impact, maybe just locally, maybe just in their family, maybe nationally. But the fact is we have joy when we see that kind of outcome.

The reason I tell that story is because it fits who we are as human beings. It fits with our idea of the pursuit of life, of liberty, and of happiness. That right is guaranteed to us under the Constitution.

Kathleen Sebelius is, undoubtedly, a public servant to be honored for her years of commitment in the roles she has held. But I believe she has a drastic and fatal character flaw and it is this: She still believes that if a woman came with those twins at 30 weeks, to a doctor in Kansas, and she wanted to abort them, even though they are viable, that would be fine.

Now we are about to put someone in charge of Health and Human Services of this Nation who has this vital flaw of not recognizing the value of these two young children's lives. What does it say about where we are going to go? What does it say about the judgment process under which we applaud her service but do not recognize this one critical flaw that says: Individuals can decide what individuals have life.

We do that collectively under the law. But we do not do it collectively and discriminately on the basis of making decisions that someone ought not to have life at the very beginning.

I believe that is a disqualifier. I believe as we embrace more and more people into leadership roles in our Government who walk away from this very basic characteristic of human existence, this very basic necessity that recognizes the value—we are not talking about a first-trimester abortion, we are talking about snuffing life from viable children.

I am also unsettled as to her beliefs under the conscience protection for health care providers. If, in fact, you think it is OK to take a 36-week child in the womb who is an inconvenience for someone and that we, as a society, can't handle that, our choice is to snuff it out, how far does it go before we require the provider community to snuff it out? There were no assurances given in her testimony that that will not happen. We have already seen the Obama administration work to look at reversing the guidelines from the last administration clarifying particularly what the providers' roles are. It says a lot about where we are as a society, about our misplaced values.

The other problem I have—it is one I have never voiced before from this Chamber—is the idea that we as politicians embrace somebody for a position because they are a politician, because they have spent years being a career politician, and that that qualifies them, the Governor of a very small State population-wise, to handle and lead on all these areas of health care. It does not recognize the complexities of the management organization at HHS, the difficulties they have in terms of carrying out their charges. It recognizes past performance in a political arena and equates that as capability in a management arena. If we continue to measure political success and confuse it with the ability to have management success, we will continue repeating the same mistakes in both Republican and Democratic administrations.

My largest worry is not in the short term, it is in the long term. What our country lacks today, what it yearns for today, what it deserves today is courageous, moral leadership, not political leadership. It is OK to have a debate about the controversies society faces. It is not OK for us to run because we are going to get hit by the press because we take a position that is different from that that is politically correct but is based on moral certitude that all life has value. Yet we run from the debate, the true Lincoln-Douglas type debates that held open the soul of America, so we can decide not on the basis of opinion but on the basis of historical fact. The basis of historical fact is this: When societies quit valuing life, societies fail to flourish.

We have a nominee who, for whatever reason, vetoes a bill that says: If you are a doctor, you ought to explain yourself if you are going to take the life of a 26-week infant in utero. You should have to get a second opinion. You ought to demonstrate that you are doing what is in the best interest of the mother and child.

It is hard to demonstrate a best interest for a child when you turn it around in the womb, deliver it two-thirds of the way out, and then destroy it. That is a debate we ought to have. It doesn't just apply to the issue of abortion and unwanted pregnancy; it is a barometer of the soul of the Nation. We offer no excuse that can be recognized as valuable for the betterment of society when we don't have that fundamental debate.

There is a flaw, a critical defect in this nominee. If you are going to be charged with the health and services that relate to health and humans in this society, that you are confused on this issue about transparency and accountability of taking the life of an unborn child is a nonstarter with me, not because I dislike Kathleen Sebelius. She is a wonderful lady. But she lacks part of the moral clarity that is required to lead this Nation in the future and to correct where we are off course on so many issues. Her ability from the start, the first day she is sworn in, will be compromised by her position on this issue. The confidence she will require of the Members of Congress who relate to this foundational principle of liberty as an inalienable right and life as an inalienable right will undermine her from the start.

I have no doubt she will be approved today. I mark it as another signpost on the way to oblivion as a nation when we empower those who don't recognize the value of life in positions that should be guarding that very precept and foundational principle of the Republic. My hope is that the American people, who by 88 percent think this is an atrocious procedure and should never be done, no matter what parameters are put on it, will wake up and say: What are we doing? What are we doing?

For those reasons, and those reasons alone, I will vote against the nomination of Kathleen Sebelius.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. 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.

THE BUDGET

Mr. BENNETT. Mr. President, we are in the midst of a nomination discussion, and that takes place in the midst of a health care discussion. Last night, the House and Senate conferees struck an agreement on the budget resolution that will clear the way for final votes later this week, but it includes reconciliation instructions for health care and student loan forms which are quite controversial. We are told the reconciliation would not be used until after October 15, and some might find that reassuring. I am not one of those who does because if we are going to deal with the health care problem, we must recognize that it is enormously complex.

Health care spending is projected to be 17.6 percent of our GDP, which is nearly one-fifth of our economy, and a bill dealing with that is going to have to be scored by the CBO before any committee can report it out. At the moment, there is only one bill with respect to health care that has received a CBO score. It is the bill offered by Senator WYDEN and myself, along with 12 cosponsors, known as the Healthy Americans Act. It has been scored by the CBO as revenue-neutral during its first 2 years and then saving money for the Federal Government thereafter. With 12 cosponsors—a mixture of both Republicans and Democrats—it would seem to me that this would be the bill from which we begin our discussions in a truly bipartisan manner, and it would not require the straitjacket of reconciliation to make it possible for the majority to move ahead. We have a score. We have a framework. We have language. It is not perfect. Even some of the cosponsors have indicated that in its present form they might vote against it, but at least it is a place to

begin. It is a place to start the conversation. We do not need the kind of enforcement of majority rights that reconciliation would give us.

To start over again fresh with a proposal from the administration would mean that a bill has to be drafted—something we have already done; the bill would have to be referred to CBO—something we have already done; CBO would have to go through the difficulties of scoring it—an enormous challenge. I don't believe they would be able to get all that done in a timely fashion. Then we would be told on the floor: Well, we have run out of time. We have to deal with health care so we are going to move to reconciliation as the way to jam the thing through in a hurry. Let's understand right here in the beginning that that kind of activity is not required.

Let's turn to Gov. Kathleen Sebelius and her role with respect to the health care debate. My normal pattern has always been to say that the President has the right to whomever he wants, and I have not voted against Presidential nominees unless I felt they were completely inappropriate or incapable of carrying out their duties.

I have respect for Governor Sebelius. I think she is a valuable and potentially productive appointment for the President, but I have reluctantly come to the conclusion that she is the wrong appointee for this particular assignment. She has backed a partisan process for health care reform. She refuses to support patient safeguards and comparative effectiveness research, and, perhaps most strongly for me, she has already endorsed a Government-run public health care plan, something I would have to vote against. I think most of my colleagues—if not all of my colleagues on the Republican side—would vote against it, not for partisan reasons but for the flat fact that it doesn't work. We have seen examples of that throughout the world, and we understand it doesn't work.

I have constituents who have relatives and friends in Canada who come to me and say: Based on our experience with our relatives and friends in Canada, we absolutely do not want a Canadian system. This is just an anecdote, but it is illustrative of the kind of thing that goes on in the Canadian system where they ration care by delay. They don't ration it by regulation, they simply ration it by delaying the ability of people to get access. As has been reported to me, if you can demonstrate as you go into the Canadian system that there is some problem related to heart disease, you get moved to the head of the line. So some of my constituents have told me that their relatives in Canada have discovered that if they go to see a doctor with a cold or with the flu or with some other problem, they always say, ''And this threatens my potential for heart disease'' in an effort to get ahead of the line and move forward in the Canadian system that would otherwise delay their access to a doctor. If you haven't learned that trick, you wait for 3 months, 6 months, whatever. This is the kind of Government-run public health plan Governor Sebelius has indicated that she would support.

There is also the troubling problem that she failed to disclose relevant information to the Finance Committee with respect to her taxes. We have had that happen with other Cabinet nominations, and it has become something of a cause celebre with many Americans who are following this. It has become the butt of jokes on the late-night talk shows. It is unfortunate that she has fallen a victim to that as well.

She has also been less than forthcoming with respect to her relationships with some of her political donors. She had a political relationship with a doctor who was involved in partial-birth abortions and was obviously anxious to see to it that he had access to public officials who would support him in that. That is an issue which carries a great deal of influence with my constituents, and it is another one that troubles me.

So while I think Governor Sebelius might be well qualified for some other position, I do not intend to support her for this position. As we deal with health care problems, the Secretary of Health and Human Services is a key player in helping us solve this problem, and I believe she carries a little bit too much baggage for this particular assignment.

So once again we have the framework for a bipartisan solution. It can be the beginning point of the discussion. A bill has been written around it, and it has been scored by the CBO. Why don't we start with that instead of threatening reconciliation for a whole new program that might start with the administration?

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand the Senator from New York wishes to be recognized for 5 minutes, so I ask unanimous consent that I be recognized for 10 minutes following the Senator from New York.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes and that Senator GREGG be recognized following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOJOURNER TRUTH

Mrs. GILLIBRAND. Mr. President, today is a very special day for me. As a woman and a New Yorker, it thrills me that today we are honoring one of the earliest and greatest figures in the history of women's rights and civil rights: Sojourner Truth. We are placing a statue of Sojourner Truth in Statuary Hall today—the first African-American woman to have a statue in the Capitol. She will be the 12th woman depicted in works of sculpture among the 92 sculptures of our male leaders. From this day forward, Sojourner Truth's groundbreaking work advancing the basic rights of women will be given its due prominence beside so many other great Americans in the seat of our democracy.

Sojourner Truth was born Isabella Baumfree as a slave in 1797 who never learned to read or write, yet became an all-important messenger for truth and equality. Although beaten and branded, she responded with dignity and faith rather than hatred and violence. Her views were shaped not only by her personal hardships—enslavement, daily beatings, grueling work, and seeing her 13 children kidnapped and sold away—but also from an innate understanding that equality is an inalienable American right and should not be ascribed based on gender or color.

Once freed from bondage in 1817, she changed her name to Sojourner Truth, telling her friends that the spirit had called her to speak the truth for justice. She then traveled our Nation speaking honest words about the shortcomings of the American dream—the stain that slavery and injustice imposed on America's life and laws and noting for all to see where the reality failed to reflect the noble tenets of our Founding Fathers. She dedicated her life, indeed, she risked her freedom, to oppose the trappings of injustice and prejudice.

Despite being born into slavery, stripped of any legal standing, protection, or property, and denied any access to education, Sojourner Truth understood that freedom and equality are fundamental rights. Embracing our greatest traditions and arguing with simple passion that neither gender nor color could overpower justice, she demonstrated a courage and a conviction that compels us to act today, almost 125 years after her death.

Sojourner Truth raised her voice without a chorus of women behind her. Most abolitionists questioned her determination to link women's rights with the abolition of slavery. She rejected their concerns, asking them the direct question they couldn't avoid: ''And ain't I a woman?'' With those few words, she refused to parse justice. With those few words, she forced audiences past and present to recognize that human dignity and respect are part and parcel of who we are as Americans—male or female, African-American or Caucasian, educated or not. Sojourner Truth represents the courage that the American ideal imparts and calls all of us to action.

As we honor this bold, daring New Yorker today, I am also proud that New York has time and time again helped to foster those who have chosen to carry on her fight. Today, I can think of at least two others committed

to justice who, though from very different backgrounds, continually risk themselves for justice and human rights.

The battles fought by Sojourner Truth were not left only as lessons of history, but they stood as a beacon of hope for the next generation to carry the torch one mile further. One of the next in our history to carry on the cause for equal justice was Eleanor Roosevelt.

Eleanor Roosevelt could have been content with a life defined by privilege and limited education. But like Sojourner Truth, she travelled the nation and indeed the world to fight for equality and human rights. Like Sojourner Truth, Eleanor Roosevelt raised her voice to attack segregation and gender bias. Like Sojourner Truth, she risked her life to practice what she preached and to hold us accountable when we wanted to turn our back on justice and American ideals. Like Sojourner Truth, Eleanor Roosevelt told us that we ''must hazard all we have'' to make the American dream real. She told us that employment, housing, education, health care policies that favored the privileged undermined us all, that women had a critical role and responsibility, and encouraged women to run for office, to organize, to get out the vote, and to reach across party, gender, and racial lines to get the work done.

Eleanor Roosevelt took this same determination with her to the United Nations where, like Sojourner Truth, she used strength and grace to advance the recognition of equal rights. Embracing her responsibility as the only woman on the American delegation and one of the few women delegates to the General Assembly, she played an instrumental role in drafting the Universal Declaration of Human Rights in 1948, especially the concept as stated in article 1, that ''all human beings are born free and equal.''

Just as Sojourner Truth had done in a century before and Eleanor Roosevelt had done decades earlier, the cause was enlisted by another great woman. Recognizing that equality had not yet been achieved, Hillary Clinton stood and fought for the rights of women. As first lady, Hillary Clinton understood the political costs of speaking out forthrightly for women's rights and human rights. Yet like Sojourner Truth and Eleanor Roosevelt before her, she would not ignore the rights and needs of women despite the possible diplomatic repercussions.

She travelled to China in 1995 and stood before the world to oppose injustice and to proclaim that ''once and for all, women's rights are human rights and human rights are women's rights.''

How Sojourner Truth must have relished that moment. From Akron, OH, Beijing, China—from newspapers to the Internet and C-SPAN—their message spanned the globe.

Hillary Clinton played an instrumental role in the dedication we celebrate today. Hillary Clinton and SHEILA JACKSON-LEE were inspired by the efforts of Dr. C. Delores Tucker, former chair of the National Congress of Black Women, to formally recognize Sojourner Truth in the U.S. Capitol. They felt that the unfinished portion of the monument to suffragists was surely intended to hold the image of Sojourner Truth. After long consideration, it was determined to carve a unique place for Sojourner Truth—appropriately so as the first statue in Emancipation Hall.

And now it stands erect in the Capitol Visitors Center for all to see. As the Senator from their home state, I am so grateful to be here today to honor Sojourner Truth. Her courage and her vision are timeless and bold and brave—Her statue will be a constant reminder that our rights must never be take for granted and that with these rights come the responsibility to enforce them.

To honor Sojourner Truth and all women before us, we continue that struggle as there is still much to do. Today the fight is for equal pay and recognition in the workplace. Even in 2009, for every dollar a man earns, a woman makes just 78 cents. And the disparity is even worse for women of color, with Latino women earning only 53 cents and African-American women earning 62 cents on the dollar. Working women and their families stand to lose $250,000 over the course of their career because of pay inequity. It is unacceptable, and it needs to change. The Paycheck Fairness Act introduced by then-Senator Hillary Clinton and Rep. ROSA DELAURO is an important step towards that goal. I proudly join in helping carry Secretary Clinton's work towards equality here in the Senate.

These steps towards equality for all are our duty. As Eleanor Roosevelt often said, ''we are all on trial to show what democracy means.'' We have made such important strides, but we still have a long way to go.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from New Hampshire is recognized.

THE BUDGET

Mr. GREGG. Mr. President, I rise to speak about the soon to be pending issue of the budget. We are told that the Democratic membership of the House and Senate reached agreement last night on the budget proposal. They didn't seek our advice or counsel on it. It is pretty much the outline of the budget as requested by the President.

There has been a lot of discussion about whether the President inherited a terrible situation. I think he did, from a fiscal standpoint. He has had difficult issues to confront relative to stabilizing our financial industry and trying to get the economy going and addressing the issues which most Americans are concerned about, which is their jobs, the value of their homes, the ability to pay their bills, and to send their kids to college.

What the President inherited is important, but what he is bequeathing to the next generation is even more important. This budget he proposed is an outline of where he sees the Government going and where he sees this Nation going.

Regrettably, the budget as proposed by the President, which has been worked on here by the Senate Democrats and the House Democrats, puts forward a picture that basically almost guarantees our children will be inheriting a nation with a government that is nonsustainable. The President's budget proposed a trillion dollars of deficit, on average, for the next 10 years. That is a number that is hard to comprehend. But to try to put it into perspective, the effect of that number is that the debt of the United States will double in 5 years and triple in 10 years. If you want to put it in another perspective, take all the debt created since the founding of our Nation, from George Washington through George W. Bush—all that debt that has been added to the backs of the Nation's people—and President Obama's budget doubles that debt in 4 years, which is a staggering event.

The implications are pretty dramatic for the next generation. The public debt of the United States will go to 80 percent of GDP fairly quickly under this proposal. The historic public debt of this country has been 40 percent of GDP. That means the amount of debt out there in relation to the size of the economy will have doubled.

That has dramatic ramifications. For example, at that level of public debt through the economic activity in our country, we as a nation would not be allowed to enter the European Union because we wouldn't meet their standard for fiscal responsibility. Countries such as Latvia, Lithuania, and Ukraine, which all have very serious issues, might qualify for the European Union, but we would not because of the fact that our debt was so high as a percentage of our economy. It means our people, who have to pay that debt, will have to pay an inordinate amount of taxes in one of two ways to pay that debt off. Either they will have to pay more taxes because the Federal Government will inflate the money supply in order to pay off this debt, which is the worst tax there is—inflation—because it takes away the savings of all of the American people or you will have to significantly increase taxes on every American, not just the high-income Americans, as was represented by this President that he wants to do, and the Democratic Congress and Senate said they want to do; all taxes will have to go up astronomically in order to pay for the debt.

What is driving this massive expansion of debt our children and we are going to have to pay as a result of this budget that is proposed by the President? Well, it is spending. Very simply, it is spending. The President proposed, and the Democratic Congress will bring forward, a budget that significantly increases the spending of the Federal Government. Historically, the spending

of the Government has been about 20 percent of the GDP. Under this budget, it goes to 22 percent, 23 percent, 24 percent, 25 percent—it gets up to levels that have never been seen, except during the time of World War II. They are unsustainable levels of spending. It is being done with a pure purpose, which is, I guess, to Europeanize the American economy and the American Government, to basically have the Government become the largest and most significant player in our economy and to dominate all aspects of our economy because of its size.

The President is very forthright about this. He says he believes that by growing the Government significantly, he can create more prosperity. Those on our side of the aisle disagree with that. We believe a government has to be affordable for a nation to have prosperity. We also think prosperity doesn't come from the Government, it comes from individuals who are willing to take risks and go out and create jobs by taking those risks. This is a fundamental disagreement. This budget lays that out precisely.

We are going to hear from the other side of the aisle the most disingenuous discussions about how they have been much more responsible on the budget, while they claim they are doing exactly what the President is doing in his budget. The reason they make that statement is because they cook the books. At least the President was forthright and he came forward with a budget—except in the area of defense—which set forth in a reasonably honest way what the costs to the Government were going to be and, as a result, it reflected the fact that because of his huge commitment in new spending programs, the cost of Government was going to be extraordinary, and the amount of debt that was going to be added to the books of the Government and the backs of the American people was going to be untenable and unsustainable.

The other side of the aisle, I guess because they recognize they are going to be up for election before the President, doesn't want to have those numbers out there. So they have gone back and played a lot of games with the numbers the President sent up. For example, the President honestly represented the fact that we are not going to get revenues from the alternative minimum tax, because every year we basically limit the amount of applicability of the AMT. But the baseline reflects a huge income of the AMT. It says 20 million people are going to pay it. But we are not going to allow that to happen, because it wasn't designed to affect 20 million people but the top income producers in this country—probably less than a million people. So every year we basically change the law so that for that year the AMT doesn't apply. The President was forthright and said I know that will happen and I am not going to account for this revenue that never comes in. So he scored the AMT fairly. The other side of the aisle games that number.

In the area of the doctors' fix, every year we know we are going to have to pay doctors a reasonable amount for their services under Medicare. Unfortunately, we have a law in place that keeps cutting that amount. This year it will be cut almost 20 percent over the baseline, in an arbitrary and foolish way. We should fix this permanently, but we don't have the courage to do it because of the effects on the budget. So we have used all sorts of gimmicks over the years—and everybody admits to this—so that we didn't have to fix that over a long period of time and correct that problem, even though we know every year we are going to adjust and make that payment to doctors.

Well, the President was forthright and he said, listen, that is not fair, honest accounting. We are going to tell you exactly what the doctors' fix costs, and we are going to account for it in the budget.

What does the other side of the aisle do? They hide that number again. They go back to the old rules. Those two items alone represent $100 billion of annual spending, which is being put under the rug. The President was honest enough to talk about it, but this Democratic Congress and Senate, in an attempt to obfuscate the issue for the American people, because they don't want to tell the people how much money they are spending, they stick that $100 billion under the rug.

Then there is the health care reform. At least the President—even though I disagree with some of his philosophies, and I hope we can have a bipartisan approach, and I support the Wyden-Bennett bill floating around this Congress—at least the President, in proposing his health care reform, said he was going to account for paying for half of it—$600 billion he put into the budget to pay for his health care reform. He acknowledges that is about half the cost of a $1.2 trillion program over the time of his budget.

What does the other side of the aisle do when they bring this budget forward? They don't account for any of it—none of it. It disappears off the books. Not only is the $1.2 trillion not there, the $600 billion is not there. How outrageous, to claim they are going to bring the deficit down to 3 percent of GDP in 2014, when they have basically hidden under the rug the AMT cost, the doctors' fix cost, and the most significant fiscal issue, health care reform. It is so disingenuous, it is almost unbelievable. But they are going to do that, and I suspect it won't be covered in any depth. To claim they are going to cut the deficit in half, which is a classic example of language over substance, will be the mantra of the day. They say they are going to cut the deficit in half. They claim they are going to cut it by 75 percent, because they are going to take a $1.8 trillion deficit and allegedly cut it to $550 billion in 4 years.

Let me point out to you that $550 billion is too big. It is like saying we are going to take six steps backward and two steps forward and claim we are moving in the right direction. Of course they are not. Equally important, the $500 billion number is a total fraud. It is a fraud on the American people brought forward in this budget.

Please, please, please do not subject the American people to this sort of disingenuousness. At least have the integrity the President had when he presented the budget of accounting for what we know are real numbers, such as AMT, the doctors fix, and the health care reform initiative proposed by the President and supported by the other side of the aisle.

That is the substantive problem with this budget; that it creates all this debt, all this spending. It takes the Government of the United States and lurches it to the left. It Europeanizes our Nation, for all intents and purposes, and passes on to our kids a government that is not sustainable.

It is ironic that we hear from the Budget chairmen, both in the Senate and the House, that the outyear numbers are unsustainable under this budget. The outyears are so unsustainable under their budget that they eliminated the last 5 years of the budget. The President sent up a 10-year budget to have some integrity around here. The other side of the aisle said: My goodness, we can't tell the American people what is going to happen to them over the second 5 years. It is bad enough what we are going to do to them in the first 5 years. We are going to eliminate the second 5 years and do a 5-year budget and not tell them about the second 5 years.

Both Democratic chairmen of both committees in the House and Senate have said we are on an unsustainable path. What do they do about the unsustainable path? They hide the numbers under the table, they do not admit to the spending, they allow the spending to go up radically, and there is absolutely zero—zero—savings on the spending side of the ledger, especially in the entitlement accounts which is at the core of what is driving the outyear problem.

Ironically, a couple of the ideas the President sent up to save money were dropped, simply dropped. For example, he proposed some savings in the agriculture accounts which were very reasonable. They disappeared. He proposed some savings in the Medicare accounts which were very reasonable. They disappeared. But that is a minor story compared to the trillions of dollars of new debt that is going to be put on the backs of our children.

By the time this budget has run its course, it will have added well over $9 trillion, under the President's calculations, to the debt of the United States. Who is going to pay that? Who is going to pay that? First off, who is going to lend us the money? At some point, the countries that are lending us this

money, the international community that looks to us and lends us money so we can run these massive deficits, is going to say: Why? Hold it. We don't know if they can pay off all this debt. At that point, the value of the dollar is at risk. At that point, the ability of us to sell debt is at risk. At that point, our Nation starts a downward fiscal spiral which will be extraordinarily disruptive and dangerous for us as a nation. This is not a good path to be on.

There are also a couple technical points that should be pointed out because they are procedural points that have massive policy implications. First, of course, is this really pyrrhic claim they are using pay-go as a disciplining mechanism. How many times have we heard that pay-go is going to be used to discipline spending. My goodness, in the last Congress, which was dominated by the Democratic Party, if I recall correctly, the House and Senate both being democratically led, pay-go, which was supposed to discipline the fiscal process around here, was waived almost 20 times—either waived, avoided or circumvented almost 20 times. Those exercises cost us almost $400 billion in spending that should have been offset. So pay-go became ''Swiss cheese-go.'' It had no value and was a worthless purpose, other than to make a political speech and claim on the stump: Oh, I am for fiscal discipline. I am for pay-go. Of course, when you voted in the Senate over the last 2 years, if you made that speech and up for reelection and you were a Democrat, you basically waived pay-go, circumvented pay-go or avoided pay-go to the tune of $400 billion in new spending.

Now we have the House Blue Dogs saying: We are going to get tough pay-go language back in place. I have to explain something to the House Blue Dogs: They didn't get it. They didn't give it to you. The budget that is going to come to the floor of this Senate is going to have structural changes which allow pay-go to be avoided for up to $2.5 trillion, at least that is what the House budget had in it, and the Senate budget was pretty close. Mr. President, $2.5 trillion will circumvent pay-go.

The most egregious exercise will be in the health care area, where they have formally ended pay-go's applicability during the first 5-year window. They basically say openly: We are not going to comply with pay-go on health care.

Health care is going to be the single biggest fiscal event this Congress has probably taken up in the last 20 years, maybe 30 years, maybe 40 years, maybe ever. Restructuring the health care of this country is a pretty doggone big exercise since it represents 17 percent of our economy. To say they are not going to apply pay-go to that exercise, to that effort, to that undertaking is to drive a hole through the pay-go concept that is so big it becomes not ''Swiss cheese-go'' but a great big, huge onion ring; there is basically nothing left but air in pay-go.

When the Blue Dogs on the other side of the aisle start marching around: We have pay-go, we have pay-go, somebody ought to point out to them that their banner does not have a flag on it. Pay-go was taken down under health care rules and under the rest of this bill. It may make for a good press release, but it sure as heck doesn't have any substance to it.

The second procedural event, of course, is this issue of reconciliation, which is a major issue for us on our side of the aisle, and it should be for the Senate. When the Senate was constructed, when our constitutional form of Government was put together, the idea was to have balance so we had a House of Representatives where things might happen quickly, but when it got to the Senate, there would be an airing, a hearing, consideration, and there would be due diligence on issues. That is why it was George Washington who described the House as the cup with the hot coffee in it and the Senate as the saucer into which the hot coffee is poured so it can be cooled down a little bit.

The Senate is institutionally and constitutionally structured to be the place where we have debate, we have discussion, and we have amendments. That is the whole concept behind the Senate, especially on issues of massive public policy implications, and there is probably nothing we are going to take up on the domestic side of the ledger that has a bigger public policy implication than the rewriting of our entire health care system.

Yet what is being proposed is that this rewrite of the entire health care system be done in a way that allows the Senate only 20 hours of debate, with essentially no amendments and with an up-or-down vote, yes or no, on something that affects 17 percent of the gross national product of this country, that affects every American in every walk of life in a very significant way, and that is how is their health care system delivered.

Why wouldn't we want to have a full and clear, hopefully, and significant discussion of what we are doing to the American public and what the policy implications of health care reform are on the floor of the Senate? If we are going to get a good piece of legislation, we are going to have to have bipartisanship and going to have to have the American people believe it is fair. You cannot pass something as significant as health care and do it in a crammed-down manner, in a manner where it is totally partisan. Yet reconciliation is structured to accomplish just that.

You have to have every stakeholder at the table. Granted, we are not going to win all our points, but we may have some points that are constructive to the debate. Let us at least be at the table and make those points on the floor of the Senate through the amendment process. Don't shut this Senate down and don't make us into the House of Representatives and don't essentially convert our constitutional form of Government, which is checks and balances, into a parliamentary form of Government, where there are essentially no checks and balances on the majority once it has an overwhelming position. That is what is being proposed in the bill when it pushes reconciliation as an option for the majority party in the area of health care reform. It is unfortunate.

I appreciate the courtesy of the Chair.

I ask unanimous consent that all quorum calls during debate on the Sebelius nomination be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. 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. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. MERKLEY. I thank the Chair.

(The remarks of Mr. MERKLEY pertaining to the introduction of S. 911 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MERKLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUNNING. 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. BUNNING. Mr. President, what is the order of business? Are we in morning business?

The PRESIDING OFFICER. The Senate is considering the Sebelius nomination.

Mr. BUNNING. Mr. President, I have a statement that will take about 15 minutes on Governor Sebelius.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUNNING. Mr. President, I want to say a few words about the nomination of Governor Kathleen Sebelius to serve as our next Secretary of the Department of Health and Human Services. I will not be able to support Governor Sebelius's nomination to this position and will be voting no. I wish to take a few minutes to explain my opposition to her confirmation.

First, I have always been pro life. I believe that life begins at conception and that every life is precious. I believe that we, as a society, have a responsibility to protect those who cannot protect themselves and speak for those who cannot speak for themselves. That

is why I am so strongly opposed to abortion. Abortion kills the most fragile, most vulnerable, and most needy among us. These children cannot defend themselves, so they desperately need us to protect them.

To me, abortion is about whether defenseless babies have a right to live. The answer, clearly, is, yes, they do. I don't understand how people can come away with any other conclusion than that one. Unfortunately, too many people do. According to the National Right to Life, there have been more than 49 million abortions in the United States since 1973, with about 1.2 million in 2005, the year they have the most recent data. These numbers are staggering and saddening.

I cannot support the nomination of someone to be the leader of our Health and Human Services Department who does not respect human life. That is why I will be voting against Governor Sebelius. Her record as Governor of Kansas on abortion issues is dismal. She has vetoed multiple pieces of legislation passed by the Kansas legislature dealing with abortion, including bills in 2003, 2005, 2006, and 2008. In fact, last week she vetoed yet another bill.

These were commonsense bills that I think most Americans could agree with, such as creating standards for abortion clinics that require clean and sterilized rooms and equipment, counseling before and after abortion, and medical screening for patients. Several of the bills dealt with changes to the Kansas late-term abortion laws, including one vetoed last week. That bill required certain information to be reported to the State when doctors perform late-term abortions, including the specific medical reason the abortion was performed. Another bill would have given women about to undergo an abortion the opportunity to listen to the baby's heartbeat and see an ultrasound of their child, along with several other provisions. Governor Sebelius vetoed all of these bills.

I am also greatly concerned about Governor Sebelius's relationship with Dr. George Tiller, an abortion doctor from Wichita, who specializes in late-term abortion. On Dr. Tiller's Web site he says that his clinic has ''more experience in late-term abortion services over 24 weeks than anyone else practicing in the Western Hemisphere, Europe, or Australia.'' This is not something to be proud of.

I know that pro-abortion supporters like to make the argument that unborn babies are a clump of cells and not yet a human being. They couldn't be more wrong. These unborn babies are developing, growing, can feel pain, and certainly have the will to live. Let me briefly give a description of the development milestones that babies reach as they grow to 24 weeks. This is according to the Mayo Clinic's Web site—the Mayo Clinic: At 5 weeks, the heart begins to beat. At 8 weeks, eyelids are forming, along with the ears, upper nose, fingers, lips, and toes. At 9 weeks, the baby begins to move. At 12 weeks, fingernails and toenails are forming. At 16 weeks, the baby's eyes are sensitive to light. At 18 weeks, the ears start working and the baby can be even startled by loud noises. At 19 weeks, the kidneys are working. At 20 weeks, most mothers can feel their babies move. At 22 weeks, taste buds are forming. At 23 weeks, the baby begins to practice breathing so she will be ready once she is born. At 24 weeks, the baby weighs about a pound and a half, has footprints, and fingerprints, and starts to have regular waking and sleep cycles.

The Web site says that babies formed at 24 weeks have a 50 percent chance of survival. And this is where Dr. Tiller steps in and aborts the baby. How can you hear these development milestones and believe these babies are expendable; that these babies' lives are less important than someone else or that they simply can be killed and thrown away?

Think of the difference between two babies at 24 weeks—one is wanted, one is not. For the child born early, whose parents love and want her, she would be rushed to a neonatal intensive care unit after delivery, where she would be given round-the-clock intensive medical care until she was big and strong enough to go home. Every day in this country, premature babies cling to life and fight for survival. I think most of the parents of premature babies would tell you that their child's will to live is courageous and inspiring.

For the poor babies who have parents who choose to abort them, their life is about to end. According to Planned Parenthood, a procedure called dilation and evacuation—or D and E—is generally performed in pregnancies over 16 weeks. Let me read how the National Right to Life organization describes this procedure:

> Forceps with sharp metal jaws are used to grasp parts of the developing baby, which are then twisted and torn away. This continues until the entire baby is removed from the womb. Because the baby's skull has often hardened to bone by this time, the skull must sometimes be compressed or crushed to facilitate removal.

That is disgusting, and anyone who tries to justify it should be ashamed. Abortion and the callous disregard for human life in this country is a real tragedy. George Tiller's work greatly concerns me. Governor Sebelius's ties to George Tiller greatly concern me. The late-term abortion doctor has donated tens of thousands of dollars to Governor Sebelius, and she has even honored him at the Governor's mansion in Kansas.

Governor Sebelius hasn't always been upfront about their relationship as well. In answering questions before the Finance Committee, Governor Sebelius originally said that Tiller had donated about $12,000 to her. A few days later, she had to go back to revise that amount because somewhere an additional $23,000 in donations from the abortion doctor had been overlooked and not accounted for. While she said this was an inadvertent omission, it seems to me that you would remember that sum of money from one of your most controversial donors.

I certainly realize that President Obama would not nominate someone to be Secretary of the Department of Health and Human Services who is pro life. However, Governor Sebelius's record on right-to-life issues along with her ties to the late-term abortion Dr. Tiller cannot be overlooked. The leader of the Department of Health and Human Services should be balanced and reasonable. There is nothing in Governor Sebelius's record that makes me think she is either when it comes to protecting the life of the unborn.

The second major reason I am opposing this nomination is that I don't believe Governor Sebelius has the experience to be Secretary of the Department of Health and Human Services. HHS is an enormous bureaucracy, responsible for everything from the Medicare Program to the National Institutes of Health, to the Food and Drug Administration. The Department has 11 operating divisions, over 64,000 employees, and a budget of $707 billion. According to HHS's Web site, it allocates more grant dollars than all of the other agencies combined. This is a tremendous responsibility, and the Department needs someone with hands-on experience.

As Governor of Kansas, she appointed someone to run their health and human services department and was not directly responsible for the day-to-day operation. As Congress considers major health care reform legislation this year, we need someone with extensive experience in setting health policy for the entire country.

I fundamentally disagree with Governor Sebelius on life issues, and I do not believe she has the experience to lead such a large department. I will be voting no on her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise in support of the nomination of Gov. Kathleen Sebelius to be Secretary of HHS. I do so enthusiastically. I do so as a personal friend of Kathleen's. I do so as a fellow public servant who has observed her considerable public service to her State of Kansas and to the people of this country.

A dozen years ago—a little more; it was actually about 14 years ago—she was elected, unusually, as a Democrat in Republican Kansas, to a statewide office known as insurance commissioner. It is a little-known and thankless job but one that has traditionally been under the thumb of the insurance industry. She came out of the Kansas Legislature, so she had a good schooling in the art of political craft. Indeed, that started long before she ever entered the Kansas Legislature because her dad was the Governor of Ohio. So it

is in her genes. Her father-in-law was the longtime Republican Congressman from Kansas. In that very Republican State, they elected a Democrat as the insurance commissioner. It was not a close election, but it was one in which, once she was installed as insurance commissioner, she started showing people who was boss. The elected representative of the people of Kansas was going to administer the laws with regard to the protection of consumers, which is the purpose of having an insurance advocate for the people.

Only a few States continue to elect their insurance commissioner. It is known as the office of the revolving door since most of the insurance commissioners are appointed. The revolving door starts with the insurance industry having a representative who is appointed by the appointing authority, usually the Governor, because someone who is knowledgable about insurance has to be insurance commissioner. But, indeed, the door continues to revolve, and the average time of service for an appointed insurance commissioner is less than 1 year. As a result, as you watch the door revolve, they come in from the insurance industry, become the top regulator of the insurance industry, and on the average, in less than a year, the door revolves and they are out the door and they are back in the very industry from whence they came. That is not the smartest way to have an insurance regulator.

Kathleen Sebelius defied that model. As the elected insurance commissioner of Kansas, she stood up for consumer rights and she cracked the whip to get the insurance companies to offer this product that has now become a necessity, not a luxury. Why? You can't drive a car without insurance. You can't own a home, if you have a mortgage, without insurance. You better have some life insurance if you are planning for your family.

By the way, we have not even talked about health insurance. A huge percentage, well over a majority of the people in this country, get their health insurance through their employer. As we approach the issue of health care reform, what to do about insurance is going to be front and center, and Governor Sebelius is uniquely qualified to address this issue. We have 47 million people in this country who do not have health insurance, but they get health care. Where do they get health care? They get it from the most expensive place, which is the emergency room, and they get it at the most expensive time, which is when their symptoms have turned into a full, raging emergency. Therefore, because they did not have health insurance, they were not seeing a doctor for preventive care, and all of this additional cost, plus the additional costs of being treated in an emergency room—guess who pays. All of us pick up that tab. That, additionally, is plowed back into the costs we pay for health care, in large part through the insurance premiums we pay.

Governor Sebelius is someone who has been there, she has done that. She knows how this insurance system operates. She knows the parameters in which you have to offer health insurance to people in order to make it work. She understands the financing behind it. She is uniquely qualified for this position of Secretary of HHS.

Since I have the privilege of being a personal friend, I have known her over these 14 years in our capacities as elected insurance commissioners, she from Kansas and me from Florida, and then as I have continued to see her in her public service, then having gone from insurance commissioner to Governor, she comes at a time when this Nation is begging for health care reform. The President has chosen Kathleen in this exceptionally important position to not only use her skills as a former regulator where she can crack the whip but to use her skills as a person who can bring people together, who can reconcile, who can build consensus—which she has honed over the years and I suspect honed those skills at the knee of her father as she was growing up. She honed those skills as a public servant—as a legislator, as an elected statewide official, as the Governor, and now she will be the right person at the right time whom this Nation needs—a very good Secretary of Health and Human Services.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The PRESIDING OFFICER. The Senate will resume consideration of S. 386, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

Mr. DURBIN. Mr. President, we have on the Senate floor a piece of legislation that has broad bipartisan support and that addresses an urgent national need.

Our country has seen a wave of white-collar fraud that has undermined the financial and housing markets and shaken our entire economy.

In recent years, there simply haven't been enough cops on the beat in the mortgage and financial markets. After 9/11, the Department of Justice, the FBI, and other agencies shifted their attention away from financial fraud investigations to focus on other important concerns. At the same time, we saw financial deregulation, the boom in subprime and exotic mortgages, and the evolution of mortgage-backed securitized instruments. These developments created a wealth of opportunities for fraudsters to rip off hard-working Americans.

We know now that there is a wave of fraud sweeping the country. The Treasury Department is receiving 5,000 mortgage fraud allegations per month. The FBI now has more than 530 open corporate fraud investigations, and FBI officials report that their fraud caseload is growing exponentially. And Americans have been stunned by recent revelations of massive Ponzi schemes and the manipulation of financial markets. It is simply unacceptable for this Congress to stand idly by and watch these fraudsters rip off the American people. We need to act. And we have a bill on the floor of the Senate right now that would take strong and effective steps to catch the perpetrators of these frauds and protect the taxpayers.

The Fraud Enforcement and Recovery Act, sponsored by the chairman of the Judiciary Committee, Senator LEAHY, and the ranking member of the Finance Committee, Senator GRASSLEY, is carefully crafted and widely supported on both sides of the aisle.

The bill makes important improvements to the criminal fraud statutes. These provisions will strengthen prosecutors' ability to combat fraud in the mortgage and financial markets. The bill also puts more cops on the beat in the financial markets. It authorizes the hiring of hundreds of FBI and SEC investigators to focus on mortgage and financial fraud. It provides $100 million for new white-collar prosecutors in U.S. attorney offices, and it bolsters the resources of the Criminal, Civil and Tax Divisions of the Department of Justice.

These investments in enforcement are likely to pay off in more ways than just catching criminals. They will lead to increased restitution payments, criminal and civil fines, and monetary recoveries for victims and taxpayers. The Justice Department estimates that for every dollar spent to prosecute fraud at the Criminal Division, more than $20 is ordered in restitution and fines for victims and the government. So this bill will pay for itself and then some.

The legislation also includes a key provision from a bill that Senator GRASSLEY and I introduced earlier this year to update the Federal False Claims Act. The False Claims Act is known as Lincoln's Law. It was signed by President Lincoln in 1863, and since then it has enabled the Federal Government and whistleblowers to work together to prevent waste, fraud, and abuse of Government funds. The False

Claims Act has been a powerful anti-fraud tool. Since 1986, the Federal Government and whistleblowers have recovered over $22 billion in monies that were fraudulently taken from Government programs. The bill before us corrects several court decisions that have misinterpreted the False Claims Act and limited its scope. This legislation will help keep Lincoln's Law strong for the 21st century.

I am proud to cosponsor the anti-fraud legislation we are considering. It is going to pass this body by a wide margin, and it is going to help the American people. But it has been held up by a small number of Senators from across the aisle. These Senators have delayed a vote on final passage of this bill, because they want to offer amendments that have nothing to do with the bill. Why are these Senators standing in the way of legislation that will fight fraud in our markets and curb waste in Government programs? I can't understand it, and I don't think the American people can understand it.

These Senators should be cosponsoring this legislation, not blocking it. Are these Senators aware of the mortgage rescue scams that are catching more and more Americans every day? Do they know that con artists are out there right now promising that they can help families who are facing foreclosure save their homes—all for a supposedly small upfront fee? Desperate homeowners are tricked into paying these con artists, who then skip town and leave the family worse off than before. Are these Senators aware of the financial scams being perpetrated on senior citizens and military families? What about the investors who have lost their life savings to Ponzi schemes and market manipulators? Shouldn't we put more cops on the beat to catch these crooks? Shouldn't we bolster our enforcement agencies so they can prosecute these cases and get restitution for the victims? I think we should.

The Fraud Enforcement and Recovery Act takes important steps to help law enforcement agencies investigate and prosecute the financial fraud that has surged in recent years. It will also deter those who might commit fraud in the future. This measure will help restore confidence in our economy and restore millions of dollars in ill-gotten gains to victims and taxpayers.

I hope we can vote quickly on final passage of this bill. America needs it, and we need to pass it.

Mr. LEAHY. Mr. President, today we finally come to a vote on final passage of the bipartisan Fraud Enforcement and Recovery Act of 2009, S. 386. It has taken longer to arrive at this point than it should have, and we have had to consider too many extraneous issues that would have been better suited for another debate. We nonetheless stand ready to make real progress. This bill is a step toward holding accountable those who have caused so much damage to our economy. It should help protect our economic recovery efforts from the scourge of fraud.

Our bill will strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy and hurt so many hard-working people in this country. These frauds have robbed people of their savings, their retirement accounts, their college funds for their children, their equity, and costs too many their homes. These are serious matters that should not be delayed. The bill will help provide the resources and legal tools needed to police and deter fraud and to protect taxpayer-funded economic recovery efforts now being implemented.

I end as I began by commending Senator GRASSLEY, our lead cosponsor, for his leadership in helping to write this legislation and to manage it on the floor. He has once again proven his dedication to protecting taxpayer funds by deterring, investigating, and prosecuting fraud.

I thank our many cosponsors for their steadfast support for this effort. Senators KAUFMAN and KLOBUCHAR have worked particularly hard to ensure that this important fraud enforcement bill becomes law, and I thank them for their efforts. Senator KAUFMAN has spoken and written about the need for fraud enforcement all year. Senator KLOBUCHAR, a former prosecutor as I am, understands how important it is to have sufficient resources on the ground committed to deterring and discovering these devastating crimes. We have been joined by a growing bipartisan group of cosponsors that now stands at 27.

And I thank the majority leader and our underappreciated cloakroom and floor staff for all that they have done to bring us to this moment. The majority leader had to file for cloture to even proceed to this bipartisan fraud enforcement bill last week, and then had to file a second cloture petition late Thursday night when Republicans would not agree to a finite list of amendments to be considered in order to complete action on the bill. A matter like this should not require one cloture vote, let alone two. A matter like that that is designed to help law enforcement and protect the savings of Americans should be acted upon by the Senate without partisanship, delay, and obstruction.

Mortgage fraud has reached near epidemic levels in this country. Reports of mortgage fraud are up 682 percent over the past 5 years and more than 2800 percent in the past decade. And massive, new corporate frauds, like the $65 billion dollar Ponzi scheme perpetrated by Bernard Madoff, are being uncovered as the economy has turned worse, exposing many investors to massive losses. We can now finally take action to better protect the victims of these frauds. These victims include homeowners who have been fleeced by unscrupulous mortgage brokers who promise to help them, only to leave them unable to keep their homes and in even further debt than before. They include retirees who have lost their life savings in stock scams and Ponzi schemes, which have come to light as the markets have fallen and corporations have collapsed. They also include American taxpayers who have invested billions of dollars to restore our economy and who expect us to protect that investment and make sure those funds are not exploited by fraud.

Federal law enforcement needs this legislation now to combat fraud effectively. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation, FBI, has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At the current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations referred by the Treasury Department each month.

In the late 1980s and early 1990s, Congress responded to the collapse of the federally insured savings and loan industry by passing legislation similar to the bill we consider today, to hire prosecutors and agents. While the current financial crisis dwarfs in scale to the savings and loan collapse, we are poised to once again take decisive action.

At its core, the Fraud Enforcement and Recovery Act authorizes the resources necessary for the Justice Department, the FBI, and other investigative agencies to respond to this crisis. In total, the bill authorizes $245 million a year over the next 2 years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our Nation's white collar fraud enforcement efforts. While the number of fraud cases is now skyrocketing, we need to remember that resources were shifted away from fraud investigations after 9/11. Today, the ranks of fraud investigators and prosecutors are drastically understocked, and thousands of fraud allegations are going unexamined each month. We need to restore our capacity to fight fraud in these hard economic times, and this bill will do that.

Fraud enforcement is an excellent investment for the American taxpayer. According to recent data provided by the Justice Department, the Government recovers more than $20 dollars for every dollar spent on criminal fraud litigation. Strengthening criminal and civil fraud enforcement is a sound investment, and this legislation will not only pay for itself but will bring in money for the Federal Government.

In addition, the Fraud Enforcement and Recovery Act makes a number of straightforward, important improvements to fraud and money laundering

statutes to strengthen prosecutors' ability to combat this growing wave of fraud. It also strengthens one of the most potent civil tools we have for rooting out fraud in Government—the False Claims Act. The Federal Government has recovered more than $22 billion using the False Claims Act since it was modernized through the work of Senator GRASSLEY in 1986, but this bill will make the statute still more effective.

The Fraud Enforcement and Recovery Act has broad bipartisan support, as well as the strong backing of the Justice Department and the Obama administration. As explained in the Statement of Administration Policy: ''The Administration strongly supports enactment of S. 386. Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who have committed financial fraud.''

Strengthening fraud enforcement is a key priority for President Obama. During the campaign, President Obama promised to ''crack down on mortgage fraud professionals found guilty of fraud by increasing enforcement and creating new criminal penalties.'' And the President made good on this promise in his budget to Congress by calling for additional FBI agents ''to investigate mortgage fraud and white collar crime,'' as well as hiring more Federal prosecutors and civil attorneys ''to protect investors, the market, and the Federal Government's investment of resources in the financial crisis, and the American public.'' The initial Senate-passed recovery package included additional money for the FBI for this purpose, but it was cut during the negotiations that led to its passage. This bill, the bipartisan Fraud Enforcement and Recovery Act, is our chance to authorize the necessary additional resources to detect, fight, and deter fraud that robs the American people and American taxpayers of their funds.

This is and has been bipartisan legislation. Our cosponsors come from across the political spectrum—Democrats, Republicans, and an Independent. What we share is a commitment to fight fraud and the horrible costs it is imposing on hard-working Americans. I believe that our efforts are supported by most Americans. No one should want to see taxpayer money intended to fund economic recovery efforts diverted by fraud. No one should want to see those who engaged in mortgage fraud escape accountability. We need to pass this bill and give law enforcement the resources and tools they desperately need.

During these first months of the year, the Judiciary Committee has concentrated on what we can do legislatively to assist in the economic recovery. Already we have considered and reported this fraud enforcement bill, the patent reform bill, and worked to ensure that law enforcement assistance was included in the economic recovery legislation.

The recovery efforts are generating signs of economic progress. That is good. That is necessary. But that is not enough. We need to make sure that we are spending our public resources wisely and that they are not being dissipated by fraud. We need to ensure that those responsible for the downturn through fraudulent acts in financial markets and the housing market are held to account. That is why we need to enact the Fraud Enforcement and Recovery Act.

Two decades ago we responded during the savings and loan crisis by hiring more agents, analysts, and prosecutors and allocating the resources needed to catch those who took advantage to profit through fraud. We need to do so again.

The bill has also received the support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud. It was strongly endorsed by an editorial in The New York Times on April 18, 2009.

I thank Senators for joining with us to take decisive action to protect American families and our economy from fraud by passing this commonsense bill now.

Mr. LEVIN. Mr. President, I am a cosponsor of the Fraud Enforcement and Recovery Act of 2009, and today I vote for its enactment into law. In these difficult economic times, this bill is needed to strengthen the Federal Government's ability to combat mortgage, securities, and other types of financial fraud.

This act would put more fraud investigators, regulators, and prosecutors on the beat. It would authorize increased funding to the Department of Justice, the Federal Bureau of Investigation, the Securities and Exchange Commission, the U.S. Postal Service, the HUD inspector general, and the Secret Service. It would also ensure that the public will be able to see the results of these investments by requiring the agencies to submit a joint report to Congress on amounts spent on fraud investigations, as well as amounts recovered.

This act would also make clear that Federal mortgage fraud laws cover mortgage brokers and their agents—some of whom have wreaked a terrible toll in my State of Michigan and the country. Their misconduct has included misrepresenting mortgage terms to borrowers, convincing families to refinance their homes with mortgages that would leave them worse off financially, reaping hidden fees, and even obtaining fraudulent mortgages and stealing the funds. It is long past time to clarify and strengthen the laws that punish such wrongdoing.

The act would strengthen taxpayer protections by ensuring that moneys expended through the Troubled Assets Relief Program, TARP, are protected by the Federal fraud statute. In addition, it would expand securities antifraud provisions to cover fraud involving options and futures contracts for commodities.

The act would strengthen our antimoney laundering regime. The current money laundering statute outlaws financial transactions using the proceeds from certain listed unlawful activities. This act would add tax evasion to that list. The threat of criminal liability for money laundering is a powerful tool for prosecutors to use in their battles with those who dodge their tax obligations.

Additionally, recent court decisions have misdefined the term ''proceeds'' from the money laundering statute to mean only the net receipts from unlawful activities. By defining that term so narrowly, these court decisions have reduced the efficacy of the statute: preventing prosecutions for numerous crimes. This act will fix these decisions and explicitly define ''proceeds'' to include not only net but gross receipts from unlawful activities. This small modification will restore the money laundering statute to its rightful place as a critical tool in the battles against fraud and illicit activity.

These provisions are useful additions to Federal antimoney laundering statutes, but we should not stop here. We should also make sure that our antimoney laundering laws apply to all of the entities that may be involved in money laundering. I look forward to working with the Senate to update our antimoney laundering requirements, and continue the efforts to stop fraud, illicit activity, and tax evasion.

This act will make an important contribution to ongoing efforts to root out fraud—against individuals and against our Government. It is an important part of the effort to help put our country back on solid economic footing, and I commend the bill sponsors for their work on this legislation.

The PRESIDING OFFICER. The question is on the passage of S. 386, as amended.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''aye.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—92

Akaka	Ensign	Menendez
Alexander	Enzi	Merkley
Barrasso	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Burr	Johanns	Shaheen
Burris	Johnson	Shelby
Byrd	Kaufman	Snowe
Cantwell	Kerry	Specter
Cardin	Klobuchar	Stabenow
Carper	Kohl	Tester
Casey	Landrieu	Thune
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden
Durbin	McConnell	

NAYS—4

Coburn	Inhofe
DeMint	Kyl

NOT VOTING—3

Kennedy	Rockefeller	Sessions

The bill (S. 386), as amended, was passed, as follows:

S. 386

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

TITLE I—FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fraud Enforcement and Recovery Act of 2009'' or ''FERA''.

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following:

''(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally related mortgage loan as defined in 12 U.S.C. 2602(1).''.

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

''§ 27. Mortgage lending business defined

''In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''27. Mortgage lending business defined.''.

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking ''or'' after ''the International Banking Act of 1978),''; and

(2) inserting after ''section 25(a) of the Federal Reserve Act'' the following: ''or a mortgage lending business whose activities affect interstate or foreign commerce, or any person or entity that makes in whole or in part a federally related mortgage loan as defined in 12 U.S.C. 2602(1)''.

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after ''or promises, in'' the following: ''any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in'';

(2) striking ''the contract, subcontract'' and inserting ''such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance,''; and

(3) striking ''for such property or services''.

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting ''**and commodities**'' after ''**Securities**'';

(B) by inserting ''any commodity for future delivery, or any option on a commodity for future delivery, or'' after ''any person in connection with''; and

(C) by inserting ''any commodity for future delivery, or any option on a commodity for future delivery, or'' after ''in connection with the purchase or sale of''.

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting ''and commodities'' after ''Securities''.

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—

(1) MONEY LAUNDERING.—Section 1956(c) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking the period and inserting ''; and''; and

(B) by inserting at the end the following:

''(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.''.

(2) MONETARY TRANSACTIONS.—Section 1957(f) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) the terms 'specified unlawful activity' and 'proceeds' shall have the meaning given those terms in section 1956 of this title.''.

(g) MAKING THE INTERNATIONAL MONEY LAUNDERING STATUTE APPLY TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(1) inserting ''(i)'' before ''with the intent to promote''; and

(2) adding at the end the following:

''(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

SEC. 3. ADDITIONAL FUNDING FOR INVESTIGATORS AND PROSECUTORS FOR MORTGAGE FRAUD, SECURITIES FRAUD, AND OTHER CASES INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Attorney General, to remain available until expended, $165,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations, prosecutions, and civil proceedings involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amount authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: $75,000,000 for fiscal year 2010 and $65,000,000 for fiscal year 2011.

(B) The offices of the United States Attorneys: $50,000,000.

(C) The criminal division of the Department of Justice: $20,000,000.

(D) The civil division of the Department of Justice: $15,000,000.

(E) The tax division of the Department of Justice: $5,000,000.

(b) ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES SECRET SERVICE.—There is authorized to be appropriated to the United States Secret Service of the Department of Homeland Security, $20,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(e) USE OF FUNDS.—The funds authorized to be appropriated under subsections (a), (b), (c), and (d) shall be limited to cover the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for prosecuting criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs.

(f) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated under this section that were authorized by subsections (a), (b), (c), and (d) the Attorney General, in consultation with the United States Postal Inspection Service, the Inspector General for the Department of Housing and Urban Development, and the Secretary of Homeland Security, shall submit a joint report to Congress identifying—

(1) the amounts expended under subsections (a), (b), (c), and (d) and a certification of compliance with the requirements listed in subsection (e); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

(g) ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) LIABILITY FOR CERTAIN ACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), any person who—

''(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

''(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

''(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);

''(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

''(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

''(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

''(G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104–410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

''(2) REDUCED DAMAGES.—If the court finds that—

''(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

''(B) such person fully cooperated with any Government investigation of such violation; and

''(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

''(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) DEFINITIONS.—For purposes of this section—

''(1) the terms 'knowing' and 'knowingly'—

''(A) mean that a person, with respect to information—

''(i) has actual knowledge of the information;

''(ii) acts in deliberate ignorance of the truth or falsity of the information; or

''(iii) acts in reckless disregard of the truth or falsity of the information; and

''(B) require no proof of specific intent to defraud;

''(2) the term 'claim'—

''(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

''(i) is presented to an officer, employee, or agent of the United States; or

''(ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government's behalf or to advance a Government program or interest, and if the United States Government—

''(I) provides or has provided any portion of the money or property requested or demanded; or

''(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

''(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property;

''(3) the term 'obligation' means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

''(4) the term 'material' means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.'';

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking ''subparagraphs (A) through (C) of subsection (a)'' and inserting ''subsection (a)(2)''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to conduct on or after the date of enactment, except that subparagraph (B) of section 3729(a)(1) of title 31, United States Code, as added by subsection (a)(1), shall take effect as if enacted on June 7, 2008, and apply to all claims under the False Claims Act (31 U.S.C. 3729 et seq.) that are pending on or after that date.

SEC. 5. FINANCIAL MARKETS COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the Financial Markets Commission (in this section referred to as the ''Commission'') to examine all causes, domestic and global, of the current financial and economic crisis in the United States.

(b) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the majority leader of the Senate;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the Senate;

(D) 1 member shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(F) 1 member shall be appointed by the ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) 1 member shall be appointed by the chairman of the Committee on Financial Services of the House of Representatives; and

(H) 1 member shall be appointed by the ranking member of the Committee on Financial Services of the House of Representatives.

(2) QUALIFICATIONS; LIMITATION.—

(A) IN GENERAL.—Individuals appointed to the Commission shall be United States citizens having significant experience in such fields as banking, regulation of markets, taxation, finance, economics and housing.

(B) LIMITATION.—No person who is a member of Congress or an officer or employee of the Federal Government or any State or local government may serve as a member of the Commission.

(3) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), the Chairperson of the Commission shall be selected jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives, and the Vice Chairperson shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson of the Commission may not be from the same political party.

(4) INITIAL MEETING.—If, 45 days after the date of enactment of this Act, 4 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(5) QUORUM; VACANCIES.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to examine the causes of the current financial and economic crisis in the United States, including the role, if any, of—

(A) fraud and abuse in the financial sector;

(B) Federal and State financial regulators, including the extent to which they enforced, or failed to enforce statutory, regulatory, or supervisory requirements;

(C) the global imbalance of savings, international capital flows, and fiscal imbalances of various governments;

(D) monetary policy and the availability and terms of credit;

(E) accounting practices, including, mark-to-market and fair value rules, and treatment of off-balance sheet vehicles;

(F) tax treatment of financial products and investments;

(G) capital requirements and regulations on leverage and liquidity, including the capital structures of regulated and non-regulated financial entities;

(H) credit rating agencies;

(I) lending practices and securitization, including the originate-to-distribute model for extending credit and transferring risk;

(J) affiliations between insured depository institutions and securities, insurance, and other types of nonbanking companies;

(K) market participant expectations that certain institutions were ''too-big-to-fail'';

(L) corporate governance, including the impact of company conversions from partnerships to corporations;

(M) compensation structures;

(N) changes in compensation for employees of financial companies, as compared to compensation for others with similar skill sets in the labor market;

(O) Federal housing policy;

(P) derivatives and unregulated financial products and practices;

(Q) short-selling;

(R) financial institution reliance on numerical models, including risk models and credit ratings;

(S) the legal and regulatory structure governing financial institutions;

(T) the legal and regulatory structure governing investor protection;

(U) financial institutions and government-sponsored enterprises;

(V) the reliance on credit ratings by Federal financial regulators, and the use of credit ratings in financial regulation; and

(W) the quality of due diligence undertaken by financial institutions;

(2) to examine the causes of the collapse of each major financial institution that failed (including institutions that were acquired to prevent their failure) or was likely to have failed if not for the receipt of exceptional Government assistance from the Department of the Treasury during the period beginning in August 2007 through April 2009;

(3) to submit a report under subsection (g);

(4) to refer to the Attorney General of the United States and any appropriate State attorney general any person that the Commission finds may have violated the laws of the United States in relation to such crisis; and

(5) to review and build upon the record of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, other Congressional committees, the Government Accountability Office, and other legislative panels with respect to the current financial and economic crisis.

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this section—

(A) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(2) SUBPOENAS.—

(A) SERVICE.—Subpoenas issued under paragraph (1)(B) may be served by any person designated by the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(3) CONTRACTING.—The Commission may enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES AND OTHER ENTITIES.—

(A) IN GENERAL.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this section, including information of a confidential nature (which the Commission shall maintain in a secure manner). Each such department, agency, or instrumentality shall furnish such information directly to the Commission upon request.

(B) OTHER ENTITIES.—It is the sense of the Congress that the Commission should seek testimony or information from principals and other representatives of government agencies and private entities that were significant participants in the United States and global financial and housing markets during the time period examined by the Commission.

(5) FUNDING.—The Secretary of the Treasury shall provide, out of money previously appropriated, $5,000,000 to the Commission to carry out this section, to remain available until expended or until termination of the Commission under subsection (h).

(6) DONATIONS OF GOODS AND SERVICES.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(8) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(e) STAFF OF THE COMMISSION.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(2) STAFF.—The Chairperson and the Vice Chairperson may jointly appoint additional personnel, as may be necessary, to enable the Commission to carry out its functions.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under paragraph (1) or (2) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(4) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(5) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; APPEARANCE BEFORE AND CONSULTATIONS WITH CONGRESS.—

(1) REPORT.—On December 15, 2010, the Commission shall submit to the President and to Congress a report containing the findings and conclusions of the Commission on the causes of the current financial and economic crisis in the United States.

(2) INSTITUTION-SPECIFIC REPORTS AUTHORIZED.—At the discretion of the chairperson of the Commission, the report under paragraph (1) may include reports or specific findings on any financial institution examined by the Commission under subsection (c)(2).

(3) APPEARANCE BEFORE CONGRESS.—The chairperson of the Commission shall, not later than 120 days after the date of submission of the final reports under paragraph (1), appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding such reports and the findings of the Commission.

(4) CONSULTATIONS WITH CONGRESS.—The Commission shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and may consult with other Committees of Congress, for purposes of informing Congress on the work of the Commission.

(h) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (g).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report submitted under subsection (g).

TITLE II—SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS

SEC. 201. FINDINGS.

The Senate finds the following:

(1) The United States is currently facing an unprecedented economic crisis, with massive losses of jobs in the United States and an alarming contraction of economic activity in the United States.

(2) The United States Government has pledged, committed, or loaned more than $9,000,000,000,000 as of February 2009 in an attempt to mitigate and resolve the economic crisis and trillions of dollars more may well be necessary before the crisis is over.

(3) The economic crisis reaches into, and has impacted, almost every aspect of the United States economy and significant parts of the international economy.

(4) Any thorough and complete study and investigation of this complex and far-reaching economic crisis will require sustained and singular focus for many months.

(5) A study and investigation of this size and scope implicates the jurisdiction of several Standing Committees of the Senate and, if it is to be done correctly and timely, will require a degree of undivided attention and resources beyond the capacity of the Standing Committees of the Senate, which are already over-burdened.

(6) Adding such a significant study and investigation to the duties of the existing Standing Committees of the Senate would make it difficult for such committees to get their regular required work accomplished, particularly when so much attention and so many resources are appropriately devoted to responding to the ongoing economic crisis.

(7) Dozens of important investigations have been conducted with the creation of a select committee of the Senate for a specific purpose and a set time.

(8) The American public has a right to get straight answers on how this economic crisis developed and what steps should be taken to make sure that nothing like it happens again.

SEC. 202. SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS.

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the Economic Crisis (hereafter in this title referred to as the ''Select Committee'').

SEC. 203. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Select Committee is to study and investigate the facts and circumstances giving rise to the current economic crisis facing the United States and to recommend actions to be taken to prevent a future recurrence of such a crisis.

(b) DUTIES.—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the study and investigation specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to examine the facts and circumstances giving rise to the current economic crisis facing the United States, and report on such examination, regarding the following:

(1) The causes of the current economic crisis.

(2) Lessons learned from the current economic crisis.

(3) Actions to prevent a recurrence of an economic crisis such as the current economic crisis.

SEC. 204. COMPOSITION OF SELECT COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Select Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Select Committee shall be made not later than 30 days after the date of enactment of this title.

(b) VACANCIES.—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIR AND VICE CHAIR.—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Select Committee, or ⅓ of the members of the Select Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

SEC. 205. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this title, the investigation, study, and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—In addition to the provisions of section 208(h), the Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation, study, and hearings authorized by this title. Any such additional rules and procedures—

(1) shall not be inconsistent with this title or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 206. AUTHORITY OF SELECT COMMITTEE.

(a) IN GENERAL.—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) POWERS.—The Select Committee or, at its direction, any subcommittee or member of the Select Committee, may, for the purpose of carrying out this title—

(1) hold hearings;

(2) administer oaths;

(3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;

(5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and

(6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

(c) AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.—

(1) AUTHORIZATION AND ISSUANCE.—Subpoenas authorized and issued under this section—

(A) may be done only with the joint concurrence of the Chair and the Vice Chair of the Select Committee;

(B) shall bear the signature of the Chair or the designee of the Chair; and

(C) shall be served by any person or class of persons designated by the Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) ENFORCEMENT.—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

(d) AVOIDANCE OF DUPLICATION.—

(1) IN GENERAL.—To expedite the study and investigation, avoid duplication, and promote efficiency under this title, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section 203(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) ACCESS TO INFORMATION AND MATERIALS.—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section 203(a).

SEC. 207. REPORTS.

(a) INITIAL REPORT.—The Select Committee shall submit to the Senate a report on the study and investigation conducted pursuant to section 203 not later than one year after the appointment of all of the members of the Select Committee.

(b) UPDATED REPORT.—The Select Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) FINAL REPORT.—The Select Committee shall submit a final report on such investigation not later than two years after the appointment of all of the members of the Select Committee.

(d) ADDITIONAL REPORTS.—The Select Committee may submit any additional report or reports that the Select Committee considers appropriate.

(e) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section 203.

(f) DISPOSITION OF REPORTS.—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 208. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Select Committee may employ in accordance with paragraph

(2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) COMPENSATION.—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) SERVICES OF SENATE STAFF.—The Select Committee may use, with the prior consent of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this title.

(e) DETAIL OF EMPLOYEES.—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) TEMPORARY AND INTERMITTENT SERVICES.—The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof.

(g) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

(h) CONFLICTS OF INTEREST.—The Select Committee shall issue rules to prohibit or minimize any conflicts of interest involving its members, staff, detailed personnel, consultants, and any others providing assistance to the Select Committee. Such rules shall not be inconsistent with the Code of Official Conduct of the Senate or applicable Federal law.

SEC. 209. EFFECTIVE DATE; TERMINATION.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this title.

(b) TERMINATION.—The Select Committee shall terminate three months after the submittal of the report required by section 207(c).

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I thank the Chair.

EQUAL PAY DAY

Mr. BURRIS. Mr. President, many of my colleagues and countless Americans across the country recognize today as Equal Pay Day, a solemn reminder of the enduring wage gap that separates women from men. We mark this inequity on a day in late April because it has taken many women from January 2008 until now to earn what their male counterparts brought home in 2008 alone. This is simply not acceptable. At a time of widespread economic uncertainty, the disparity is more troubling than ever. We can and must do better.

In 1963, this body passed the Equal Pay Act which was signed into law and represented a triumph for America's workforce. That legislation laid the groundwork for significant progress. It established a set of principles that declared the United States of America as a nation that does not discriminate based on gender. It was an important first step. Nearly 50 years have passed since that day.

It is clear that we have more work to do.

The Paycheck Fairness Act, which I am proud to cosponsor, would update the original Equal Pay Act and bring the law in line with our Nation's other important civil rights laws. The Bureau of Labor Statistics tells us that in 2007, women with full-time employment earned roughly 78 cents for every dollar men earned. This represents modest progress compared to 2006, when the ratio stood at slightly less than 77 cents on the dollar. Sadly, women of color earn significantly less, even when they have the same qualifications as men they work alongside. Over the course of a 40-year career, women can lose as much as $1 million to the gender age gap. Nationwide that means roughly $200 billion of lost income every single year. With families across America tightening their belts and working harder than ever to make ends meet, it would be a serious failure on the part of this Congress to ignore this call to action.

With this in mind, we must move swiftly to pass the Paycheck Fairness Act. This comprehensive bill would encourage employers to follow the law by creating substantial incentives and strengthening penalties for equal pay violations, aligning it more closely with civil rights legislation. It would close loopholes. It would prohibit employer retaliation, improve Federal outreach, and strengthen enforcement efforts. The bill would also draw on a measure already enacted in the great State of Illinois to fix the established requirement clarifying reasonable points of comparison between employees to determine their fair wages. All of this, together with increased training, education, and research, means the Paycheck Fairness Act would invigorate the landmark equal pay legislation of the 1960s and provide much needed updates for the 21st century.

In all of my years of public life, I have had the privilege of witnessing firsthand the progress our Nation has made over the past half century. The stubborn barriers of race and gender known to my parents' generation have been shattered. Even in my own lifetime, I have seen changes few could have imagined. But for all the progress we have made, there is still a very long way to go. It is this slow, steady march toward our highest aspirations—the active progress of perfecting our Union—that defines the shared destiny of all Americans: Black and White, male and female, from all walks of life, and every corner of the globe.

The Paycheck Fairness Act represents a concrete step in closing the gender wage gap and another powerful stride in the march to equality. It is a measure that stands for common sense, good governance, and equal opportunity. I am proud to cosponsor the Paycheck Fairness Act, and I urge my colleagues to join with me in supporting women in the workforce.

It is my hope we will soon commemorate Equal Pay Day not as a grim reminder of the gender pay gap but as a day we took decisive action to stop discrimination in its tracks. I ask my colleagues to join me in this effort and to adopt the Paycheck Fairness Act without delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes without objection.

WORKERS MEMORIAL DAY

Mr. BROWN. Mr. President, today is Workers Memorial Day, which has been established for many years in this country, a day when we honor injured workers. It is a day that is particularly important for the families of some 5,000 Americans every year who are killed on the job. It is hard to believe that in our country that is about 100 workers a week. Some 15 workers every single day in our country are killed in a workplace accident, some of them union, most of them nonunion workers, workers who say goodbye to their spouse or to their children or to their mother or father and go off to work expecting just another day at the job and they never come home.

Workers are killed in all kinds of construction accidents. That number of 5,000—some 5,500, actually, in the year 2007—does not even count people who die from workplace acquired diseases, workers who might be sickened by Diacetyl, the popcorn lung disease that workers in Ohio have contracted.

Today, under the chairmanship of Senator MURRAY, the Health, Education, Labor, and Pensions Committee held a hearing to commemorate Workers Memorial Day: Dr. Celeste Monforton, Jim Frederick, and Tammy Miser. Tammy Miser's brother was

killed on the job, I believe, in Indiana. The three of them talked about how important Workers Memorial Day is. But, more importantly, they talked about how important it is that workers have better representation than provided by the Occupational Safety and Health Administration; that the families of victims or workers injured or killed on the job don't have the input into the Occupational Safety and Health Administration they should have. In fact, those workers complain—as did people who represented them today at this committee hearing—that too often during the last few years there has been a voluntary kind of compliance through OSHA, and voluntary compliance doesn't work to save lives and make the workplace safer. So I applaud what Secretary Solis is doing, and I applaud what Senator MURRAY is doing.

I close with this: One of my first Workers Memorial Days was in Lorraine, OH, arranged by local labor organizations. I was given this pin I wear. It is a depiction of a canary in a bird cage. The mine workers, as we know, 100 years ago used to take a canary down in the mines with them. If it died from lack of oxygen or toxic gas, the miner knew he had to get out of the mine immediately. In those days there were no unions strong enough to protect them, and they had no government that cared enough to protect them. Those days are behind us.

Back in 1970, the Occupational Health and Safety Agency was set up by the Government. It has made a huge difference, but nonetheless 100 people in this country show up for work and die on the job every single day on the average, and that is not counting workplace diseases.

So we have a lot of work to do so that by April 28 of next year we can commemorate Workers Memorial Day with significantly fewer workplace injuries and significantly fewer workplace deaths.

I yield the floor and thank the President.

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS TO BE SECRETARY OF HEALTH AND HUMAN SERVICES—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session to resume consideration of the Sebelius nomination.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Whereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS TO BE SECRETARY OF HEALTH AND HUMAN SERVICES—Continued

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Sr. Asst. Parliamentarian (Elizabeth MacDonough) proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I rise in support of our nominee for Secretary of Health and Human Services, Gov. Kathleen Sebelius. I have known her for over 20 years. I believe she is an excellent nominee, one who brings a wealth of knowledge and skill to the position at a time when we need it the most.

As our country and the world begins to battle a very serious outbreak of the swine flu, we need Governor Sebelius's leadership now. Over 100 deaths have been reported in Mexico, and here in America we have confirmed cases in 5 States. It is urgent we have a leader in place at Health and Human Services who can respond to this threat.

Governor Sebelius is that person. She recognizes the need to work with experts and scientists on a global scale to make key public health decisions. Our citizens need and deserve to know that our Government is doing everything it possibly can to protect the public and to control this outbreak. We simply cannot afford to delay action in filling this important Cabinet post.

Also, as we embark on national health care reform, we need a leader who appreciates the importance of health care security to everyday people. Kathleen Sebelius is a commonsense leader who understands the complexities of our health care system. Through her experience as Governor of Kansas, State insurance commissioner, and President of the National Association of Insurance Commissioners, she has a broad and deep understanding of health care and will be an outstanding leader as we work to fix our broken system.

Governor Sebelius has worked tirelessly to improve the quality and affordability of health care for the people of Kansas, and she will do the same for all Americans.

As a former Governor, I understand the pressures of balancing a budget and working across party lines to get things done, and I commend Governor Sebelius for her track record of success. Upon taking office, she faced a projected $1 billion deficit. So she implemented a top-to-bottom audit of State government that produced significant savings and efficiencies. Under her leadership, Governor Sebelius expanded health care for children and worked to reduce the cost of prescription drugs. Working across the aisle, she was able to reorganize State health care programs to make health care more affordable by creating an independent State agency to control spending on health care and simplify the process of obtaining health care for her constituents.

Undoubtedly, Governor Sebelius brings a wealth of knowledge and leadership experience that will be critical in her new role as the Secretary of Health and Human Services.

I urge my colleagues to join me in supporting nominee Kathleen Sebelius for Secretary of Health and Human Services. She is the right choice at a time when we desperately need leadership at the Department of Health and Human Services.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise today to speak in support of the confirmation of Governor Kathleen Sebelius as Secretary of the Department of Health and Human Services.

This nomination comes at a transformational moment and at a monumental time—as the American people look to the Federal Government to achieve systemic change to ensure that all have affordable access to health care. The Senate Finance Committee, of which I am a member—along with the HELP Committee—is working mightily to craft reforms to address the current unacceptable reality of 70 million Americans lacking adequate coverage, and the increasingly unsustainable costs that undermine the health security of all Americans.

At the same time, our Nation faces the most severe economic distress we have witnessed since the Great Depression, with more than 2.6 million jobs lost last year. And it is the Department of Health and Human Services that stands at the forefront of helping to mitigate the consequences through our health and poverty programs. Therefore, there can be no doubt of the necessity for sound executive leadership at HHS.

Indeed, given both its prominence and its status as one of the largest departments in the Federal Government—which also oversees programs upon which nearly 1 in 3 Americans rely for their health care—our next Secretary of Health and Human Services should be a talented public official possessing a depth and breadth of experience as both a skilled administrator and manager, and a professional committed to systemic health reform. In that light, as former Kansas State Insurance Commissioner and now as Governor—and with her experience in tackling health care issues in her State—I believe Governor Sebelius possesses the knowledge and skills to meet the pressing demands facing our next leader of HHS.

In her work as Kansas State Insurance Commissioner she rightly recognized a takeover of her State's largest

health plan as a threat to affordable coverage and fought vigorously and successfully to maintain its independence. As Governor, she worked to reduce State government spending, and resisted tax increases until the Kansas State Supreme Court mandated a new school financing program. That is significant as, for health reform to succeed, we must ensure that every American is assured of affordable access to quality health coverage—but, of equal importance, we must reform health care to deliver better value and that requires a Secretary who will look first to cost savings and delivery reforms before we consider new revenue.

Moreover, HHS will be well-served by a Secretary who is committed to building the bipartisan consensus necessary to pass the best possible health reform legislation that will have the greatest level of credibility with the American people. And on that note, it is telling that Governor Sebelius was the first Democrat elected Kansas State Insurance Commissioner in more than 100 years, that in her gubernatorial campaigns she has twice chosen a Republican running mate, and that Time Magazine ranked her in 2005 as one of the five best Governors.

Given her history, I think the Governor understands the hazards of a politically polarized environment. Indeed, today, some propose that we craft the most significant health legislation in our history by undermining the very rules of the Senate which help ensure that this Chamber creates broad consensus—through the application of the budget reconciliation process. But to craft a complex reform of health care with this approach would be wholly inappropriate, as any bill it would produce would lack the broad support necessary to both enact and sustain such a momentous initiative. We should not be drawing lines in the sand up front in this debate. It is neither constructive nor conducive to the process, and Governor Sebelius should recognize that reconciliation threatens to simply increase polarization.

I also note that, while the Governor has enjoyed notable successes in Kansas, she has also experienced disappointments in her efforts to expand coverage, so she certainly comprehends the nature of the difficulties ahead. Certainly, there will be an intense struggle by myriad interests to protect the status quo. But the reality is clear. Unless we achieve an equitable, balanced approach, we cannot achieve sustainable health security for all.

That should mean a level playing field with regard to the competitive environment. We must ensure there is proper regulation and oversight—and at the same time, we must assure that real competition and innovation are facilitated among health plans—just as it exists between health care providers, and producers of drugs and medical devices. The creation of a public plan option certainly is no panacea to the problems of health coverage—it simply does not address the fundamental market reforms required. In her Finance Committee confirmation hearing, I questioned Governor Sebelius on this issue, and she noted that proper standards and regulation, similar to the approach I have taken with Senator DURBIN in the Small Business Health Option Program Act, SHOP, to reform the small group market, is critical to making insurance markets work. I was pleased to see her willingness to examine this issue, as she noted, ''It may be at the end of the day that the standards are effective enough that the competition from a public plan is not a valuable asset.'' I look forward to working with Governor Sebelius to develop solutions to ensure that insurance markets do work effectively so we attain both the competitive pricing and choices in coverage which are so valued by Americans.

I know that several of my colleagues will oppose Governor Sebelius' nomination over the issue of abortion rights in general and over campaign contributions from one doctor in particular. In that vein, Governor Sebelius has rightly noted that she should have consolidated reporting of all contributions from the doctor, his practice, and his family, both to her campaign and political action committees. Concurrently, it is important to note that all of these contributions were disclosed. And, in my view, there is no reason to believe this regrettable oversight was anything but unintentional.

Moreover, it would be unrealistic to deny that sharp divisions exist in our Nation regarding reproductive rights, and I certainly respect there are deeply held views on both sides. At the same time, it should not be surprising that a nominee of our current President would hold the views she has espoused and, in my view, that must not unduly detract from a thorough and comprehensive analysis of her qualifications.

Finally, the fact is that in this time of historic challenges—and especially given the concerning developments of this week, as we face the threat of an influenza epidemic—HHS should have a Secretary to lead the Department. While various units from CDC to the Department of Homeland Security have worked together to coordinate efforts and marshal resources to combat this outbreak, HHS leadership is vital to achieving optimal coordination of its agencies and effectively communicating to the public.

Today, Governor Sebelius comes before us as an individual who is highly capable, eminently qualified, and managerially prepared to assume the helm of the Department of Health and Human Services. She is fully cognizant of the daunting challenges ahead, and she will be an asset to this administration. I look forward to working with her this year to achieve health security for all Americans, and I encourage my colleagues to join with me in supporting the Governor's confirmation.

Mr. McCAIN. Mr. President, I regret that I must oppose the nomination of Gov. Kathleen Sebelius to be the next Secretary of Health and Human Services, HHS. I reached this decision after examining her qualifications and positions on matters important to the health and well-being of the American public. I did not treat this decision lightly, only reaching it after very careful deliberation.

The next Secretary of HHS is expected to oversee an effort to overhaul our Nation's health care system in the coming year, and Americans need to know that their rights as patients will be respected and protected by Washington. While I appreciate Governor Sebelius's efforts to respond to some of my concerns about different health care proposals that the administration supports, her responses did not offer the assurances that I sought. Namely, I am concerned over her responses to questions posed to her by the Health, Education, Labor, and Pensions, HELP, Committee and Finance Committee members on the role of public health plans in health reform and over the role of comparative effectiveness and its potential role in dictating medical practice patterns.

I believe that our Nation's health system is broken and in order to fix it, we must address health insurance as part of the overall reform effort. However, I believe that reforms should invigorate the free market system and promote competition among health insurance plans to cover every individual. I do not think that our Nation can afford, as Governor Sebelius and President Obama suggest, a government-run health plan included in a National Health Insurance Exchange. Such a plan would have many unfair advantages over private plans, including having the weight of the Federal Government to potentially administratively set prices. Additionally, and more importantly, a recent Lewin Group study estimated that about 120 million Americans could lose their employer-based coverage and be pushed into a government-run plan—contradicting then Candidate Obama's promise that if Americans like the insurance they have today, nothing will change. My fears that a public plan would be unfairly advantaged and be the start to a single-payer system were unfortunately not alleviated by Governor Sebelius's responses.

I strongly oppose a European style approach to health care where care is effectively rationed. Americans deserve the best health care system in the world—and with appropriate reforms we can continue to assure everyone access to quality health care. I also understand that today's medical research is increasingly focused on an individualized treatment approach for patients, and I believe that this treatment trend is threatened by efforts to embrace comparative effectiveness research. While I believe that comparative effectiveness research can provide

patients and doctors with the vital information necessary to make the right decisions in an individual's medical case, I am greatly concerned over how this research could be used by the Federal Government. One only need look at Great Britain where centralized authorities—rather than a patient's doctor—decide whether cancer patients can receive lifesaving care and which patients are denied access to beneficial treatment options to see why so many of us are alarmed. While Governor Sebelius said that the Medicare Modernization Act of 2003 prevented using comparative effectiveness research for coverage decisions, the National Institutes of Health appears to be moving in that direction by funding comparative effectiveness research that includes treatment cost comparisons. This trend is alarming and should be of concern to all individuals in vulnerable populations, such as minorities, women, or individuals with multiple conditions, who could be forced into a one-size-fits-all treatment model.

Overseeing health reform will be a herculean task and Americans need to be assured that they will not lose the private health coverage that they want to keep or that their treatment options will have to be approved by a government bureaucrat. Mr. President, while I respect the right of President Obama to nominate Governor Sebelius to be the next Secretary of HHS, she has failed to provide us with those assurances, and I regret that I cannot support her confirmation.

Mr. ENZI. Mr. President, I rise today in opposition to the nomination of Governor Kathleen Sebelius as the Secretary of Health and Human Services. As U.S. Senators, one of our most important responsibilities is confirming qualified, and, hopefully, superior nominees to lead our executive agencies. I am one of several Senators with strong reservations regarding the nomination of Governor Sebelius, and it is important to take this time to explain my opposition to this appointment.

In order to fulfill our responsibilities under the advice and consent clause properly, this institution has a process for vetting Presidential nominees. The nominee is required to complete a host of paperwork to the authorizing committee, in this case the Senate Finance Committee, accompanied by a sworn affidavit. I was very disappointed to learn that Governor Sebelius amended her paperwork to the Finance Committee as a result of unpaid taxes and understated campaign contributions.

The HELP Committee held a hearing on Governor Sebelius' nomination due to the high number of health and early learning statutes and programs that fall under the committee's jurisdiction. During this hearing, I asked Governor Sebelius her thoughts on using reconciliation to advance comprehensive health care reform legislation. Her response was to keep all options on the table.

I couldn't disagree more. But unfortunately it appears that is the direction health care reform will take this year. This week the Senate will vote on a conference agreement for the fiscal year 2010 budget resolution that includes reconciliation for health care reform. Using budget shortcuts—known inside the beltway as reconciliation—is the exact opposite of keeping all options on the table because it shuts out members of the minority party. It will also shut out many centrist Democrats, who want to see health care reform based on a competitive private market, which is fully paid for. That is not a formula for bipartisan success. An open, transparent process with a full debate is the best way to achieve a bipartisan product.

At both the Member and staff level, Senators on both sides of the aisle continue to meet regularly to discuss health care reform, and specifically what shape it will take. I believe that if we continue to negotiate in good faith, this process can lead to a bipartisan health reform bill that will enjoy broad bipartisan support now and in the future.

Ensuring access to affordable, quality and portable health care for every American is not a Republican or a Democrat issue—it is an American issue. Our health care system is broken, and fixing it is one area where I hope my 80 percent rule comes into play so commonsense reforms can be made. People who have worked with me over time know that the 80 percent rule is one of the main philosophies I follow to get things done. In applying this rule, I try to focus on the 80 percent of the issues the Senate generally agrees upon, while not fixating on the remaining 20 percent, which are divisive and can sometimes overwhelm the majority of issues that we agree on.

The next Secretary of HHS will undoubtedly have a critical seat at the table in the health care reform debate. For these reasons it is important to have a Secretary in place who supports an open, transparent process without the distraction of tax issues, misreported campaign contributions, and questionable affiliations.

I respect that the President is entitled to staff the executive branch with individuals of his choosing. We may not always agree on every issue. I am and will remain staunchly pro-life, and will continue to advocate for legislation to protect the rights of the unborn. However, if Governor Sebelius is confirmed, I will diligently work with her to overcome obstacles standing in the way of solutions to the health care problems facing America.

Prior to her hearing, I met with Governor Sebelius and we discussed the unique challenges that face rural and frontier states. People living in rural areas in Kansas, similar to those in Wyoming, face difficulties in access to primary care physicians and preventive services. Rural and frontier areas struggle to attract and retain doctors and other health care providers. In the 10-steps health care reform bill I introduced last year, I emphasized the importance of access to affordable health care for people in rural and underserved areas. Governor Sebelius understands the challenges in this area—and I hope we can work together to find solutions for this common priority.

In closing, while I intend to vote no on this nomination, it is my hope and expectation that we will put aside our differences to find meaningful solutions that will make a positive difference in people's lives.

Mr. GRASSLEY. Mr. President, I am pleased to be here again to speak in support of the Fraud Enforcement Recovery Act. I urge my colleagues to join me in supporting this bill so we can pass this important legislation. I cosponsored this bill because I believe that we need to do something to show the American people that we are taking their tax dollars seriously and committed to rooting out fraud, waste, and abuse of Government programs.

The fraud enforcement tools and resources provided in this bill will help Federal agents and Federal prosecutors devote more resources to investigations into financial and mortgage frauds. The criminal fraud law updates in this bill will also help send a message to individuals in the future that fraud against homeowners and investors won't be tolerated. While it is true the criminal law provisions can't apply retroactively to conduct that led us the current financial and housing crises, they will help prosecutors in the future and will help to deter future criminal conduct.

Finally, and perhaps most importantly, this bill makes critical amendments to the Federal False Claims Act that will ensure those who rip off the Government can't hide behind judicial loopholes created in the law. These edits to the False Claims Act are important to ensure that the Justice Department and individual qui tam whistleblowers aren't blocked by some procedural hurdle put in place by judges. When I authored the 1986 amendments to the False Claims Act, I couldn't imagine the types of decisions we have seen from courts. These courts have read all sorts of new procedural and intent requirements into the false claims that were never imagined nor were they intended by Congress. These amendments will help restore the original intent of the False Claims Act and keep it working into the future so it can continue to add to the $22 billion already recovered under this powerful law.

I urge my colleagues to join me in supporting this important legislation so we can show the taxpayers we are serious about fighting fraud against homeowners, investors, and the Federal Government.

Ms. MIKULSKI. Mr. President, I rise today to support the nomination of Kathleen Sebelius to be the Secretary of Health and Human Services.

I am pleased that the Senate today will finally confirm Governor Kathleen

Sebelius as the new Health and Human Services Secretary. Governor Sebelius brings much needed policy and management expertise to the job as our Nation Faces serious public health challenges. Our immediate concern is the effective coordination of our Nation's public health resources to combat the emerging swine flu pandemic. Sebelius and her team must immediately respond to contain this very serious threat.

I look forward to working with her as she helps fulfill President Obama's promise to enact comprehensive health reform. Governor Sebelius will add urgency, substance, and know-how to pass complicated health legislation that will benefit American families and businesses.

Govenor Sebelius will serve as the effective CEO of HHS and ensure its agencies are well run and consumer focused. She has the difficult task of not only restoring the public's confidence in our Nation's health agencies, but also building the trust of HHS' committed workforce. Special effort must be made to listen and learn from the scientists at FDA who lacked effective leadership during the previous administration. Governor Sebelius' immediate leadership also will help guide the implementation of the economic recovery act that included several important health initiatives—particularly the development and adoption of interoperable health information technology standards. I am confident she will meet the intent and deadlines enacted by Congress.

Mr. DURBIN. Mr. President, I rise to speak on behalf of the nomination of Gov. Kathleen Sebelius as Secretary of Health and Human Services.

Just a few moments ago at lunch, we were briefed by Secretary Napolitano and a spokesperson from the Centers for Disease Control about the swine flu epidemic. It is a serious issue, much more serious in Mexico and other places than the United States, but it is being taken very seriously and watched closely by those in charge of our public health in America. That is why it is so important for us to fill this particular spot in the President's Cabinet. It is the last spot to be filled. The nominee, the Governor of Kansas, Kathleen Sebelius, is an extraordinarily good choice for this post of Secretary of the Department of Health and Human Services.

We consider so many health care issues. In fact, when the people of this country are asked about the priorities they identify, their highest priority is health care, as it should be. If we do not have our health, not much else matters.

We have tried during this Congress with this new President to do that which is important to address the public health concerns of Americans. We passed a children's health bill to provide health care coverage, insurance coverage for an additional 4 million kids. We passed an economic recovery package that provides States with the resources they need to provide health care services to millions of low-income families and seniors on Medicaid. We passed a new law to help working families continue to pay for health insurance even after they lose their jobs. We also provided money in the Recovery and Reinvestment Act to fund investments in health information technology which can save the Nation billions of dollars and avoid costly and deadly medical errors. It has also provided assistance to community health centers, a resource in my home State of Illinois which is exceptional. It provides health care for those who have nowhere else to turn. It is some of the best care in America. In the Omnibus appropriations bill, we provided billions of dollars for medical research, infant and maternal health, and other health services for those least able to afford the care they need. We have a lot more to do, and that is why we need to fill this spot.

The current economic crisis has made health care reform more important. More than 47 million Americans, including 9 million American kids, do not have health insurance. Those families woke up this morning with children in their houses without the peace of mind that if there is an accident, a diagnosis, or some illness, they would have health insurance to guarantee they have quality care, good doctors and hospitals to turn to. A third of Americans under the age of 65 have experienced a period without health insurance in the past 2 years. That is one out of three Americans under the age of 65. Families and small businesses work harder than ever to provide health insurance, and the costs just keep going up.

As unemployment has reached 8.5 percent nationwide, this rate has troubled us. In some areas, it is much higher. It is 9.1 percent in Illinois. With each 1 percent rise in the Nation's unemployment rate, the number of uninsured Americans increases by 1.1 million people.

One of the biggest worries I found among unemployed workers in Illinois is health insurance. I recently visited Richland Community College in Decatur. I sat down with a number of young men and women who lost their jobs, many of them with children. That was the first thing they brought up, whether their spouse was working and had health insurance, whether there was somewhere else they could turn. A growing number of businesses are backing away from health insurance because it is expensive.

We cannot wait for the economy to improve before tackling this health care issue. Too many Americans have needs that cannot wait.

There are no easy fixes to this, but I believe President Obama is right by stepping up and nominating Gov. Kathleen Sebelius to be Secretary of the Department of Health and Human Services.

Last week, the Senate Finance Committee approved her nomination. Earlier this month, I had the opportunity to sit down with her and talk about the issues firsthand. Her commitment to this issue is not just lipservice. She has shown an ability to overcome partisan politics in her home State for her people and represent the best interests we need in America.

During her two terms as Governor, Governor Sebelius and her administration have been notably bipartisan. She was elected to her first term with a former Republican businessman as her running mate. She ran a second time with the former State Republican chairman on her ticket. In a State where the opposition party holds strong majorities in both chambers, the Democratic Governor has been able to reach across the aisle to solve problems and help the people of Kansas.

Before being elected Governor, she was Kansas insurance commissioner from 1994 to 2002. During this time, she refused campaign contributions from insurance companies. She protected the people of her State from increases in premiums by blocking the sale of Blue Cross Blue Shield to an out-of-State company. She helped draft a proposed national bill of rights for patients and served as the president of the National Association of Insurance Commissioners. This critical experience prepares her well in her new role on the President's Cabinet dealing with health care reform, Medicare, and Medicaid. While she has also dealt with these broader health coverage issues, she has not lost sight of the role that prevention and public health must play in any health reform effort.

Through her Healthy Kansas initiative, Governor Sebelius encouraged Kansans to increase fiscal activity, choose a healthier diet, and avoid using tobacco products. As Governor, she made investments to help women avoid unintended pregnancies, increase health services for pregnant women, and provide support services for families. These are goals that I think most of us can certainly agree on.

We discussed the issue of food safety, which is very important, with the Food and Drug Administration under her supervision, when she is confirmed in this process, and she understands there is a parade of concerns, whether it is salmonella in peppers and peanut butter, melamine-spiked pet food and milk products from China, E. coli in spinach, and the list goes on and on. We can do better. Secretary of Agriculture Vilsack and Kathleen Sebelius, once she is confirmed, can work together to bring us the very best in food safety in America and to protect families who count on their Government to do the job.

I commend President Obama for his leadership on this issue, but with these two spots filled, with the Secretary of Health and Human Services and Agriculture, then we can step forward and get something done.

There is also a big question about this issue of comparative effectiveness, which has been raised by some on the other side in relation to this nomination. Congress and President Obama are committed to expanding America's access to high quality health care, and that is why we have made comparative effectiveness research a high priority. Through the economic recovery package, we committed over $1 billion to funding research to compare the relative clinical risks and benefits of different treatments for the same illnesses.

Some of my colleagues argue this research should only focus on clinical effectiveness, without taking into account the cost of a treatment or procedure. However, I think addressing cost is a major concern of everyone, not just in Government but of the American people. They believe health care costs are too high and they are interested in any steps we can take to reduce waste and use health care dollars more efficiently. That effort is an important part of health care reform. We can't continue to spend as much as we have on health care without breaking the bank, leaving deficits for our children and basically bankrupting the American Treasury.

Part of the solution to our health care reform is reducing unnecessary cost and waste. Research may show that there are some treatments genuinely less effective than others in comparable populations. No one should be afraid of looking at the solid factual evidence to make these comparisons. Some of my colleagues oppose comparative effectiveness research and argue that Washington bureaucrats shouldn't interfere with a patient's right to choose treatment or substitute the Government's judgment for that of a physician. I don't argue with that premise, but let's get to the bottom line. When a decision is made about an illness affecting you or a member of your family, you want the most effective treatment. You want to be certain it is going to work. You want to have confidence that the person providing it is making the right choice.

We have a right to ask whether there is a more economical choice, one that can reach the same result without the same cost; whether it is the use of generic drugs, for example, which have been proven to be effective and lower cost than many brandname drugs, or whether it is a procedure that is going to have a lot more chance of success. Why are we afraid to look at this information? Some on the other side are. They shouldn't be. This is common sense that we would ask these questions and come up with this information so we can make the right decision.

I would add that Kathleen Sebelius has proven, as the executive in a major state in America, that she understands the responsibility of leadership and the accountability of those in leadership. Few challenges we face in America are as grave as our health care system and its need for reform, but it is an effort we must undertake. Unsustainable health care costs are the one primary threat to our economic security.

The President said it: We are draining our Federal budget and placing at risk the financial well-being of America if we don't look at the real cost of health care. It is time for reform, and the first real step is to confirm Governor Kathleen Sebelius as our Nation's chief health official. Americans deserve someone they can trust to see this commitment through. She has shown this in her service in Kansas and her commitment to public life.

I hope my colleagues in the Senate will join me in supporting her nomination today. There are some who have raised a myriad of different issues that concern them; some are even beyond the reach of Kathleen Sebelius in her role as Governor. She was given Federal Court cases and Federal laws to follow, and she did as she was bound to do by her oath of office. But we should give her a chance now at the Federal level to help lead this country into a new day of health care reform.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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, Governor Sebelius is a talented public servant. Nonetheless, I will oppose her nomination for several reasons.

Others have emphasized her relationship with Dr. George Tiller, so I will address another matter—my concerns about the use of comparative effectiveness research under the administration's proposed health care plan to ration health care.

Comparative effective research is currently used to evaluate the strength and weaknesses of various medical interventions. If structured appropriately, it can be a great help to both physicians and patients, to help them make health care decisions. But without the appropriate safeguards, the Government can misuse it to deny or delay patient coverage and services based on factors such as age, relative health, or the number of people ahead in line for a particular treatment.

Unfortunately, Governor Sebelius's answers to my questions made clear that the administration and Health and Human Services under her watch would be unwilling to support patient safeguards. She did not provide any assurance that Health and Human Services, Federal health care programs, or any new Government entity, such as the Federal Coordinating Council, will not use this tool to ration or deny care. This should be a matter of concern for every American.

We must not enable a panel of Washington bureaucrats to decide who is eligible for a particular treatment or when they can get it. In countries that have government-rationed health care, patients sit on long waiting lists to have procedures such as an MRI or dental surgery or hip replacement, to name a few.

I recently read an article in the Wall Street Journal by Nadeem Esmail, Director of Health System Performance Studies at the Fraser Institute in Calgary, in Alberta, Canada, entitled: ''Too Old For Hip Surgery.'' The article recounted stories of our neighbors in Canada who routinely wait months and even years for a specialist's care. Many cross the border to see U.S. doctors to get the immediate treatment they need. Lawsuits tied to Canada's health care rationing system often wind up decided by their courts. Is this what we want in America?

Governor Sebelius's answers about comparative effectiveness research relied on two points, which were inaccurate and contradicted one another, raising more doubt rather than providing assurance. Let me briefly address those points.

When Governor Sebelius stated during her hearing, ''The law prohibits Medicare from using comparative effectiveness research to deny coverage,'' she was referencing the 2003 drug bill which applies only to prescription drugs and not to any other aspect of medical treatment. So she is factually wrong to suggest that could be a future limitation on health care generally. Of course, the fact that we so limited it in the 2003 prescription drug bill makes the point that it does need to be limited.

In this regard she also said: ''When authorizing comparative effectiveness research in both the Medicare Modernization Act and the American Recovery and Reinvestment Act, Congress did not impose any limits on it.'' That statement is true. It also is precisely the problem.

The National Institutes of Health is already taking the steps necessary to make cost-based research a priority and to use it to ration health care. A recent National Institutes of Health project description states:

> Cost effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic conditions.

Allocation of health resources is, of course, a euphemism for denying care based on cost. And Governor Sebelius will not agree to terminate this project.

There is no question that health care reform is badly needed, and I want to work toward that goal. All Americans, especially those who are unemployed or who work for a business that doesn't provide health insurance or who have a preexisting condition deserve a better approach. But rationing based on cost is neither a practical nor satisfactory route to achieve it; it will delay access to treatment that may be urgently

necessary and discourage the kind of research that leads to promising new treatments.

I believe every American has the right to choose the doctor, hospital, and health plan that best fits his or her needs. Flexibility is essential in medicine, and each patient should be cared for as an individual, with a treatment regimen crafted and tailored by his or her own physician, not by a Washington bureaucrat. So I oppose the nomination of Governor Sebelius to head the Health and Human Services Department, because I do not believe she is sufficiently committed to these same principles.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise to speak on behalf of the Sebelius nomination. And before he leaves the floor, I also want to say to my friend from Arizona that I think he knows I share many of his substantive concerns about what it is going to take to get bipartisan health reform legislation. For example, a key component of it will have to be malpractice reform. It will have to include the areas the Senator from Arizona has touched on—the question of comparative effectiveness. And I think in both of these areas there is a long way to go to get it right. It is my interest, particularly this afternoon, to assure the Senator from Arizona that there is going to be an effort to pull out all the stops to make this a bipartisan effort here in the Senate to fix America's health care, and I want to tell him I am looking forward to working with him on that.

To pick up on this point, many Senators have come to the floor to discuss the needs of tackling health care issues in the kind of bipartisan fashion that Senator KYL has talked about and I have mentioned. I strongly support the Senators who are making this a special focus of this discussion today when we consider Governor Sebelius's candidacy to head the Department of Health and Human Services.

For a bit of background, Senator BENNETT and I, in particular, have been working for several years in talking to most Members of the Senate. I personally have gone to see about 85 Senators in their office, to listen to them, to get their views about health care reform, all with an idea to make the issue of reconciliation on health care irrelevant. What we wish to do, Senator BENNETT and I, working closely with the chairs and ranking minority members of our key committees, is to find a way to get a very substantial bipartisan vote here in the Senate for health care reform. I think we are well on our way to doing that. I believe there is literally a philosophical truce on health care within the grasp of the Senate.

When one looks at this debate, both political parties have had valid points to make. My party, for example, is right on the idea that we cannot fix health care unless all Americans get good-quality, affordable coverage. The reality is, we cannot begin to organize the market for health care unless we get everybody covered. Without covering everybody, there is too much cost shifting, there is not enough focus on prevention and wellness, and we have a real question about what to do about clogging up hospital emergency rooms—which is an issue in Colorado and Oregon and across the land.

So Democrats have been right on the point of saying to fix American health care all Americans have to have good-quality, affordable coverage. But our colleagues on the other side of the aisle—and Senator BENNETT has championed this; Senator GRASSLEY has championed this—have been right in saying there needs to be a significant role for the private sector in American health care as well. It is going to be important not to freeze innovation, to steer clear of price controls, to have a wide berth for the private sector to innovate and offer private sector choices as part of the solution to this challenge of fixing American health care. So we meld together these two points of view—Democrats who have been right on the idea that we have to cover everybody, Republicans who have had a valid point with respect to a role for the private sector—and, in my view, we are on our way to 68, 70, 72 votes in the Senate for comprehensive health reform.

So we very much need to tackle this in a bipartisan way. In my view, there are a few words that speak volumes about Governor Sebelius's outlook on the need for having bipartisanship in the health care arena. Those words were spoken by a former leader in the Senate, Bob Dole. I want to quote for the Senate a couple of the remarks made by Senator Dole when he came before us on the Senate Finance Committee.

Senator Dole said:

> For more than 20 years, Kathleen Sebelius has served the State of Kansas as a legislator, insurance commissioner and Governor. All of her accomplishments required bipartisan approaches. Her work has earned her the respect of Democrats and Republicans. . . .

Senator Dole goes on to note that one of our most respected former colleagues, Nancy Kassebaum Baker, has actually written Members of the Senate with respect to her support for Governor Sebelius.

Then Senator Dole goes even further, and he says:

> Governor Sebelius and I are from different parties. We have different views on different issues, some highly controversial. But that is not the issue here today. Candidate Obama is now President Obama and gets to make the Cabinet selections. He has determined that she is well qualified and that she understands the importance of the enormous task before her when confirmed by the entire Senate. I agree and that's why I am here to support her nomination. We need a Secretary of Health and Human Services—

Said Senator Dole—

> who has the skills, experience and courage to shape and guide this historic legislation through Congress. It will not be easy but I know Governor Sebelius will never stop trying.

Those were the words of former Senator Dole, somebody to whom I look again and again for counsel on health care. I think it is fair to say a great many of our colleagues on the other side of the aisle look to him for counsel on health care.

Those who know Governor Sebelius best, such as Senator Bob Dole, have, in my view, said it better than any of us could. They know her, they have worked with her, they have watched her try to forge coalitions. As insurance commissioner, she has been a leader nationally in the insurance field with the National Association of Insurance Commissioners. I think she is going to be a pragmatic coalition builder who is going to work with a very specific focus toward trying to bring the Senate together to tackle this critical issue.

We know there are some particularly important challenges ahead of us. I have said one of the first priorities in health reform is to make sure those who have coverage today—in Colorado and Oregon and across the country—see that health reform works for them. Some writers have called that group the ''contentedly covered,'' the people who already have health care coverage in America today.

I think there are four important priorities for the Congress to address in making sure those who have health care coverage today see that the system works for them. Those priorities are, first of all, making sure they can keep the coverage they have. We have written it into the Healthy Americans legislation. Chairman BAUCUS has it in his white paper. It has to be a matter of law. Sometimes people joke about it: We can put it in the Pledge of Allegiance. It is vitally important that people be able to keep the coverage they have.

The second factor that is so important is to make sure people who have coverage have options to save some money on their health care in the future. They want to contain costs because they know right now they are not even getting an increase in take-home pay because health care gobbles up everything in sight. So let's make them wealthier in the process of health reform, and let's say that, if you want to have one of the additional choices, the private sector choices that are offered in health reform, and you can save some money by choosing one of those choices rather than keeping what you have, you get to keep the difference. That is something I think will be attractive to those who have coverage.

The third area we ought to zero in on is making sure folks with coverage have the opportunity to be healthier. I think it is well understood that much of American health care is more sick care than health care. So let's get some incentives in place so everybody has a

new focus on wellness. I personally would like to see those who are on Medicare who lower their blood pressure and lower their cholesterol get reduced premiums. It is called Outpatient Care, Part B premiums. Let's give them a lower premium when they lower their blood pressure and lower their cholesterol.

When there is a parent in Oregon or Colorado or across the country who enrolls a youngster in a wellness or prevention program—let's say for a weight problem—let's give the parent a reduction in their premium, again, to reward prevention. So we let people keep the coverage they have. They are going to be wealthier and they are going to be healthier.

Finally, one last big challenge for those who have coverage. If individuals want to leave their job or their job leaves them, let's make sure their coverage is portable, that they can take it from place to place to place. I think we understand that this economy is real different than what we had in the 1940s, when somebody went to work somewhere and stayed put for 30 years until they received a gold watch and a big retirement dinner.

The typical people in our States, Western States, now change their job 11 times by the time they are 40 years old, and they need portable health coverage. So let's make sure that coverage is something that fits the modern economy—again, consistent with an approach that let's them keep what they have and puts more money in their pocket and gives them the opportunity to be healthier.

I think that is a vision for bipartisan health reform. It certainly has been largely shared by Chairman BAUCUS and Senator GRASSLEY, and Senator BENNETT and I have talked about it in our efforts as well. But it is going to take somebody with the kind of talent that Bob Dole just described, in the words I have offered today, once again, before the Senate Finance Committee.

There is a reason that after 60 years of debate on health care reform in America that it has not actually gotten done. This is hard work, in terms of building a coalition. I put 6 years of my life into just the most recent effort and have visited with most of the Senate on it. I think there is a clear desire, given the importance to our economy.

The fact is, we cannot fix the economy unless we fix American health care. Most of the experts are saying a lot of these budgets we are dealing with right now, the various bailouts—those bailouts are going to look like a rounding error compared to American health care if we don't get on top of these escalating costs. It has to be done, both in terms of fixing the economy, ensuring quality of life for our people, and because now the country is looking to the Congress to work in a bipartisan way. They have watched a lot of the past squabbles, they have watched a lot of the bickering over issues in the past, and here is an opportunity, as Senator Dole has described, of having a person who wants to work in a bipartisan way around a number of the ideas that I have mentioned this afternoon.

I hope colleagues will support Governor Sebelius. I hope they will reflect on the words of Senator Dole because I think he said it best when he came before us on the Senate Finance Committee. I think there is an opportunity now for the Senate to show a country—and a country that is legitimately skeptical about Washington's ability to tackle big issues—the Senate now has an opportunity to show that on health care, Democrats and Republicans can come together. We are going to come together with individuals, leaders such as Governor Sebelius, who have shown the talent to work in a bipartisan fashion; and I, particularly, having listened to many of our Republican colleagues on the floor today talking about the Sebelius nomination, want to assure them that I agree with much of what they have said with respect to the need to avoid approaches that are partisan and jam one side or another.

In fact, I have devoted much of the last 6 years to making those kinds of approaches irrelevant, to making reconciliation irrelevant.

I think Governor Sebelius will work with us in a constructive way toward exactly that kind of result. Bob Dole has spoken about her ability to do just that before the Finance Committee, and I hope this nomination will now be approved expeditiously and Democrats and Republicans can work together tackling the premier domestic issue of our time: fixing American health care.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, may I inquire, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the nomination of the Governor of Kansas, Kathleen Sebelius, to be the Secretary of Health and Human Services.

Mr. DODD. I would like to, if I may, spend a few minutes addressing that issue.

I rise in strong support of Governor Sebelius.

Let me thank the people of Kansas. This is a remarkable nominee. I know she has served the people of Kansas well during her tenure as Governor, insurance commissioner, State representative, and we are fortunate indeed that President Obama has asked the Governor of Kansas to come to our Nation's Capital to serve as the Secretary of Health and Human Services.

We owe her a debt of gratitude as well for being willing to accept this responsibility at a time that, with the exception of some 15 years ago, only the second time in more than half a century, this institution and this city will grapple with one of the compelling issues of our day; that is, to deal with a national health care crisis in America. Governor Sebelius has demonstrated a willingness to take on a very large issue which is highly complicated and brings out passionate responses from people across the political spectrum. So we are grateful. I am grateful to her for taking on this challenge. I am appreciative of the President for asking her to do so. I would hope our colleagues would come together.

There is always too much delay in a lot of nominations. I have been a Member of this body for many years. I think I can count on one or two hands the number of times, in more than two decades, that I have opposed nominees of either party. I have always been of the view that Presidents and elections mean things. If you are elected President of the United States, then a President ought to have an opportunity to carry out the mandates or the promises they have made as a candidate.

So those of us who are in the opposition from time to time, other than disagreeing with or deciding to vote against someone because maybe there is some serious problem that underlies that nomination—but I have never felt the views of a nominee ought to necessarily decide my vote in favor of or against them; that Presidents ought to be able to have people they believe will help carry out their wishes and campaign promises; that if we in the opposition try to guarantee that people who share our views are going to be in the Cabinet, that seems to be contrary to the will of the American people who have made a different choice on election day. I know that is disappointing to people from time to time. I know that when I have supported various nominees of President Reagan, President Bush, No. 41, and George Bush, his son, No. 43, voted in support of those nominees, there were those who were disappointed that I would cast a ballot for the nominee. But my answer always was that they were elected—obviously a very controversial election in the case of George W. Bush in 2000, but nonetheless ultimately he was the choice to be our President and as such deserved to be able to have the nominees in his Cabinet, the people he thought would best serve the country. There were occasions when I did vote against some nominees but never on the basis of what their views were. There may have been some other disqualifying factor, but there were very few over the years.

So at this hour, it has been since March 2 that the President nominated Kathleen Sebelius to be the Secretary of Health and Human Services. We are now ending the month of April and

going into the month of May. We have been told as a nation over the last several days that we are now potentially facing a pandemic issue in the swine flu problem. Having a Secretary of Health and Human Services, which is the job that would necessarily coordinate and lead the efforts both at home and working with Secretary of State Clinton and others, coordinate the effort internationally on this matter—it is time to move along.

While I know there are those who have very strongly held views about various matters that will come before the Department of Health and Human Services, elections have consequences. President Obama won the election. This is his choice to lead that agency and to deal with the myriad of other problems we must grapple with as a country. I think it is time for this body to discuss these matters over the appropriate period of time and then to move along and to not delay for as long a time as we have seen already a nomination of this importance.

The HELP Committee, on which I serve—the Health Education, Labor, and Pensions Committee—and the Finance Committee held hearings on Governor Sebelius back at the end of the last month, and the majority leader attempted to get unanimous consent to move her nomination almost a week ago. Those efforts have been blocked by the minority party here. Now we find ourselves in the midst of what appears to be a global crisis, as I mentioned, and for no apparent reason that I can determine, other than maybe some politics, we still do not have the Secretary of Health and Human Services confirmed.

I believe most Americans, regardless of political party, would like to see someone leading this agency and helping us grapple with these issues. I do not think they are going to be pleased, even if they disagree with the politics of the nominee, to have that spot vacant at a time when we need leadership, particularly someone as highly qualified as Governor Sebelius is.

Again, I commend the Obama administration for its handling of the swine flu threat so far. It is clear that the various agencies in Government are working closely and collaboratively. As a result of the Health, Education, Labor, and Pensions Committee and many of my colleagues in the Senate, both Democrats and Republicans, we were able to pass and fund what was called the Pandemic and All-Hazards Preparedness Act and the predecessor bioterrorism legislation. The country as a whole has made great strides in surveillance, coordination, communications, and treatment capabilities.

Let me specifically thank several of our colleagues, because I was deeply involved in those negotiations on that legislation many years ago—well, several years ago. They include Richard Burr of North Carolina, a Republican Member, our colleague, who is deeply involved in the issue; then-Majority Leader Frist of Tennessee was very involved; Senator Ted Kennedy of Massachusetts, and myself are the four, along with Judd Gregg of New Hampshire, involved from time to time in trying to craft that legislation dealing with the Pandemic and All-Hazards Preparedness Act and some of the bioterrorism legislation. My colleagues, on a bipartisan basis, put that together. Richard Burr was very deeply involved in that question, and we ought to thank him for his insistence so many years ago. So we have been involved in these issues on a bipartisan basis, and I would hope, again, this nomination can go forward on a similar basis.

The U.S. response to this current global threat is evidence that those efforts taken some years ago are paying off. But the lead agency in all of this, and other possible health threats, is the Health and Human Services Department. That Department lacks a leader today, and that is the reason we are still here a week later debating whether this nominee of incredibly impeccable credentials is being held up for as long as she is.

Having served on the so-called HELP Committee for many years, I cannot recall another time when the challenges facing the Secretary of Health and Human Services were so complex. I have already addressed some of those issues. Our economy is in the worst shape it has been in for decades. We have a health care system that is broken, impacting families, businesses, and our competitiveness as a nation.

The Department of Health and Human Services and the agencies within its purview are in need of attention and leadership. It is critical that the Department once again base its decisions on the best available science, not the political ideology of the moment. President Obama has already made tremendous progress in this respect with the signing of an Executive order overturning the previous administration's harmful restrictions on embryonic stem cell research and the signing of a Presidential memorandum on scientific integrity. I commend him for it.

He has moved quickly to appoint highly qualified candidates such as Governor Sebelius to key positions within the Department, such as the FDA Commissioner and the head of the Health Resources and Services Administration.

Governor Sebelius brings a wealth of experience I have referenced already, working in a bipartisan fashion to improve the lives of families in her State. The outpouring of support, on a bipartisan basis, ought to be welcome and celebrated. Rarely do you see someone bring that much support across the political spectrum that Governor Sebelius has to this, the nomination to head this Department.

The knowledge and expertise she gained as Governor, the insurance commissioner of her State, and the State representative will be instrumental in achieving comprehensive health care reform—reform that at long last will bring affordable quality health care, we hope, to all Americans.

The case for reform of our health care system has never been stronger or more urgent, and I happen to be one who is optimistic about the prospects of achieving health care reform this year under the leadership of MAX BAUCUS, the chairman of the Finance Committee; Senator TED KENNEDY, the chairman of the HELP Committee; and the respective leadership on the House side along with, obviously, President Obama; the participation of other people—our colleagues, such as ORRIN HATCH, MIKE ENZI of Wyoming, certainly CHUCK GRASSLEY, the Republican former chairman of the Finance Committee, now the Republican ranking member, and many others with whom we have had extensive meetings already trying to achieve what our majority leader has called for, and that is a strong, bipartisan effort here to put together a national health reform package. So a lot of good people are already buying in, trying to achieve that result. What we have been missing in all of this is the head of the Health and Human Services Department, to help pull that piece of the puzzle together for us as well.

We are in such a different place than we were 15 years ago on this issue. Then we had a host of opposition lined up. Today, those who organized to torpedo those efforts 15 years ago, frankly, are at the table today anxious for us to share and put together a proposal that would enjoy that kind of support I mentioned a moment ago.

The economics of our country are certainly in a much different place than they were in 1993 and 1994. Today, health care accounts for over 16 percent of the gross domestic product of our country—health care costs. According to the Office of Management and Budget, by the year 2018—not that far away—national health spending, if unabated, could account for a fifth, more than 20 percent of our gross domestic product. There are those who believe that within 10 years that figure of 16 percent could double to more than 30 percent of our gross domestic product. That is unacceptable.

If you are not motivated by the morality and ethics of having 45 million Americans without any health care, of which 9 million in that number are children, today we rank among the lowest scores or the worst scores of infant mortality among industrialized nations. There are 100,000 people a year who die in this country from avoidable medical errors. Those are not the kinds of statistics we want to associate with our great country. So, in addition to the moral, the health care issues, the ethical questions, the economics of this issue demand attention.

If you are not impressed by any other motivation on why we ought to achieve universal, quality, affordable health care, founded on the notion of prevention, then the economic justification

ought to persuade you. The health care system we have today puts personal finances at risk, threatens our global competitiveness. General Motors, to give you one example, estimates that health care costs add over $1,500 to the selling price of each automobile it produces, and it paid $5.2 billion in health benefits in 2004. That is more than it paid for steel. That will give you an idea why that company is facing as much pressure as it is, as well as other automobile manufacturers.

Look at the foreclosure issue. There are 10,000 people today who will be at risk of losing their homes. That is true every day in our country in the midst of this major economic crisis. There are 20,000 people a day, on average, who are losing their jobs in the United States. So when you are losing your job, you may lose your home and retirement. Remember this: Almost half of all of those foreclosures that will occur today are partly caused by the financial crisis stemming from medical costs. I will repeat that. Almost half—50 percent of those 10,000 foreclosures that will occur today are partly caused by the financial crisis stemming from health care costs.

As chairman of the Banking Committee and a 26-year veteran on the HELP Committee, I share the President's belief that fixing the health care crisis is essential to fixing our economy.

We can talk about all the other issues dealing with availability of credit and what is happening to banks and to the financial stability of the Nation, but we cannot have a conversation about all that and disregard the issue of health care. Twenty-eight million Americans who work for small businesses are without health care. Premiums on average are 18 percent higher than they were a few years ago. In Connecticut, premium costs have gone up 42 percent in 8 years. Imagine what that has done at a time when wages and salaries have not increased anything remotely close to that. Premiums and out-of-pocket costs for health care and individuals continue to skyrocket.

Chairmen KENNEDY and BAUCUS of the respective HELP and Finance Committees are working closely together on this process, trying to fashion a timeline and policy that will fit together. Both chairmen have stated a shared goal of marking up health care legislation in early June. I strongly believe that timetable is achievable. But we need to have a Secretary of Health and Human Services, if we are going to mark up a bill in June. We have had this nomination pending for more than a month, have spent a week debating it, and we are in the month of May. Most Americans want the petty politics put aside and the people in place we need to lead this effort. They care about health care. They understand what happens: When one loses their job, they lose their health care.

Last year one in three Americans, between 2007 and 2008, had a gap where they had no health care for one reason or another. Lord forbid someone is in that gap and something happens to them or their spouse or a child and they end up having to pay out-of-pocket expenses for the care of that individual. That is a fear everyone has who faces that possibility or is in that situation today.

I say this respectfully. It is time to get the people in place who can help us get this job done. Delaying this nomination because you don't agree with everything that Kathleen Sebelius says or supports is not justification for denying this administration and, more importantly, the American people a leader at the Department of HHS to move forward.

I wish to say a quick word about the comparative effectiveness research which has been mentioned as a reason for holding up the nomination. This effort is about expanding Americans' access to health care, not restricting it. We also want to give patients and their doctors the tools they need to make the right decisions about care. That is what comparative effectiveness research is all about, empowering patients and medical providers. It is not about rationing care. Comparative effectiveness research is about helping patients and providers figure out together which therapies and treatments work best for them. It is not about restricting or limiting health care options but, rather, about helping them understand their health care better and more accurately chart a course of treatment. The President has made such research a high priority by having invested in it through the recovery act's $10 billion for the National Institutes of Health and $1.1 billion for comparative effectiveness research.

I support the President and Governor Sebelius in this effort to inform patients and providers. This is the moment for health care reform. Failure is not an option for our Nation. I look forward to working with Governor Sebelius to make meaningful, lasting change to our Nation's health care system.

While health care reform is a top priority, I also wish to address quickly another vitally important issue to the responsibility of the department; that is, early childhood education and development. This is an issue that has long been near and dear to my heart, since 1981, when I started the children's caucus in the Senate almost 30 years ago with ARLEN SPECTER of Pennsylvania, who was a new Senator as well that year, along with people such as Patrick Moynihan, Bob Dole, and Bill Bradley. Each brought a deepening interest in what was happening to one out of four Americans who are children. As a result of our efforts over the years, we have made a difference.

I am encouraged by the commitment of President Obama to early childhood education. I look forward to working on new proposals as well as strengthening current programs such as Head Start and the CCDBG for childcare to benefit children and families. An investment in our youngest Americans pays off in their readiness for school, their health, and job creation now and in the future and the need for fewer social services later in the child's life.

Now is the time to put partisan politics aside, confirm Governor Sebelius so we can have the kind of leader most Americans are looking for and provide the guidance the Department of Health and Human Services will need if we are going to succeed in this effort.

I urge confirmation of this remarkable individual who has offered her services to the country, who is making the kind of sacrifice to come forward and serve our Nation at a critical moment. That is to be celebrated. That is patriotism. I hope my colleagues will quickly confirm this nominee and allow us to begin the critical work of fashioning a national health care reform package.

I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I rise this afternoon in support of an incredibly gifted public servant. I don't normally stand up and sing the praises of Kansas. I am not a huge fan of Kansas. I am a Missourian, and we have issues between Kansas and Missouri—usually between our basketball teams and our football teams.

During the last decade, I have had an opportunity to get to know Kathleen Sebelius as a person, as a mother, as a wife, as a Governor, and as a friend. I want my colleagues to know that they are voting to confirm an extraordinary individual who will do an excellent job as Secretary of Health and Human Services in the United States.

Kathleen Sebelius has shown courage and guts many times in her career. Frankly, running for Kansas's Governor as a Democrat shows guts and courage. We are talking about a State that is not warm and fuzzy about Democrats. We are talking about a State that is as red as Dorothy's ruby slippers. But she ran for Governor after she had served as commissioner of insurance in Kansas. So why was it that all these Republicans got excited about voting for Kathleen Sebelius? It was because she demonstrated, when she was commissioner of insurance in Kansas, that she was about fighting for them. It happened over an insurance company. Everyone needs to realize this is an experience she has had that relates directly to what we need right now as Secretary of Health and Human Services as we embark upon the most aggressive and ambitious health care

reform agenda this country has ever faced.

When the largest health insurance company in Kansas wanted to sell—this was a mutual company owned by the policyholders of Kansas and covered 70 percent of Kansans—all Kathleen Sebelius, the insurance commissioner, had to do under the law was sign off on it and say no harm would be done. But she took a look at it and said, wait a minute, I don't think the test should be that no harm is going to be done. I want to know what this sale is going to do to make things better for Kansans. She took on a titan—a big, huge insurance company. That is what we need right now, someone willing to take on the calcified silos of profit in our health care system and blow them up in order to deliver a better product. She said: I want to make sure this sale is going to reflect a better environment for health insurance for the people of Kansas.

She fought them all the way to the Supreme Court of Kansas and eventually she won and was able to block the sale of this company. She said at the time that bigger is not always better, and unless they could show how this was going to be better for the people of Kansas, she would continue to fight them toe to toe. It was that kind of fighting spirit on behalf of regular people who don't have the tools to fight big insurance companies that uniquely qualifies her to be at the head of this important agency as we embark on the health care reform agenda.

Not only did she have the guts to run for Governor—she won, which was remarkable. Here is an even more remarkable part. She went to Topeka, the capital, and began working with the Republicans. As President Obama has said over and over again, she said: I want to work with you. And she did. She wrestled with a senate and a house that was dominated by the Republican party in Kansas and, at the end of 4 years, what did the people of Kansas do? Did they say they were sick of the gridlock and didn't want this liberal Kansas woman anymore from the Democratic party as Governor? Oh, no, they did not; they reelected her by a wide margin.

It is a remarkable thing, when you think about it, because this is a State that our former President won by 20, 30 points. Yet the people of Kansas realized they had a fighter. They looked past the party label to her courage, integrity, intelligence, and her willingness to go toe to toe with the big guys for them. I am proud she has been nominated. I know there have been some distortions about her record. I can assure my colleagues that she will make us all proud in this job. She will work with every one of us to try to find that common ground. She will leave no opinion behind as they consider the best way to move forward on this health care reform agenda.

I am pleased to be able to stand for a few minutes and tell everyone in America to celebrate today, because we are about to confirm a fighter—someone who will fight for you and deliver the kind of health care in America that we deserve, at a price we can afford.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I wish to speak for up to 10 minutes, maybe slightly longer, about the nomination of Gov. Kathleen Sebelius to be the Secretary of the Department of Health and Human Services. I wish to speak on behalf of the Governor because I think she is such an outstanding candidate for this particular job.

As I look across the country, as many of my colleagues, and think who could fill this position, I have to say I was very pleased with the President's action to tap her for this important position because right now this Secretary is going to be charged with fulfilling the President's idea that all Americans should have health coverage. This is an idea that other Presidents have shared and about which many leaders in Congress, both Republicans and Democrats, have thought. It would be remarkable and wonderful for our country, the extraordinarily developed Nation that we are, to find a way—a cost-effective way, in my view; hopefully, a market-based approach—to solving one of the great challenges of our time, which is to provide health insurance, good coverage, for workers in the most productive Nation on Earth.

It really is a failing, in my view, of our organized society and our Government that we have not in over 240 years been able to accomplish that. We have accomplished so many things that are a credit to our country, but this has eluded us.

When President Obama ran in his campaign, and as I heard him speak even here and in the House Chamber for a joint session, he again expressed his passion for trying to find a solution. One of the first steps to finding a solution is finding a leader who has a good record of finding solutions on their own, a good record of working across party lines to get difficult jobs done. So in his action to achieve this goal, he has made a great first step to at least present to the Senate for our consideration a person who does not have a weak record but a strong record in this effort.

I submit that as a Democratic Governor of Kansas, you have to be pretty good as a Democrat, first of all, to get elected in Kansas because, like Louisiana, it tends to be a more conservative State on some issues. Obviously, I think this Governor has demonstrated over and over, as insurance commissioner and as Governor of Kansas, the ability to get the job done. She was tapped before she was Governor by a Governor of Kansas to help actually implement and lead the children's health program. Her record is clear in the success of this program.

She, as insurance commissioner, had a great deal of interaction with health insurers in that State and others that indicates to us she has the experience and the ability to do this. Working with the Federal Government during her time as Governor on all of these health care matters leads me to the conclusion that she is the right person to help us get this job done. The sooner we confirm her the better.

I was very impressed to hear—I do not serve on this committee—that at her hearing, Senator ROBERTS, our colleague who is of the other party, spoke in her favor and voted for her. Even more impressive to me was that former Senator Bob Dole testified for her.

This is not at all a typical partisan appointment. This is a person who has demonstrated through her leadership for many years in the State of Kansas the ability to tackle the toughest jobs and bring people from various viewpoints together. That is the kind of leadership I think America is looking for right now.

I might add that in the most recent days, the outbreak of the swine flu in our country should compel the Members of this body to know this is not a job that should have a vacancy sign on the door right now. There could potentially be a pandemic. The Government is hoping for the best but preparing for the worst. While Secretary Napalitano has been charged with the task to coordinate Federal agencies, frankly I do not feel very comfortable having this job vacant. The faster we can get her in this position with her extraordinary credentials the better.

I would like to make a few other points. As the chair of the Small Business Committee, I have to say again for the record—and I think Senator SNOWE from Maine, my ranking member and long-serving member of this committee, would say the same thing if she were here—that no matter what we call a meeting on in the Small Business Committee—it could be on procurement, it could be a hearing on credit markets, it could be a hearing, which we have had, on the Small Business Administration itself, as I am standing here, every small business person, almost to the man or woman, will say: Senators, before I leave, or, Senators, I know this isn't the subject of this hearing, but could I please say I can't afford my health insurance; can I please say that it is very important for this country to find a way for small business entrepreneurs to get health insurance.

Just for the record, for small businesses that employ the vast majority of people in this country, the percentage of coverage has dropped in the last

7 years from 68 percent of those businesses providing coverage down to 59 percent. I know in my personal experience dozens of people who would say: You know, Mary, I would like to start a business. I think I have a good idea, and actually I have some money to start it, but I can't give up my health insurance because I have a preexisting condition or I have a son with leukemia or I have a daughter who has a compromised immune system.

I cannot tell you how strongly I feel that our country is actually not only throwing cold water but almost freezing water on the entrepreneurial spirit because we can't seem to figure out how to provide health insurance—and not just for big companies but for medium companies and for emerging companies—and to have that coverage be portable and available when people want to leave a company and take a risk. They might risk their business, but they are not going to risk their life. That is a little too much risk to ask in order to start a business. You may risk your home, you may risk your fortune, but to ask people to risk their life is a little ridiculous. Yet that is where we are. So the faster we can get someone in this position who can help put their shoulder to the wheel and help our small businesses come up with a way, the better off we will be.

Finally, I wish to mention two issues briefly. We concentrate a lot in this department on health care and that, of course, is the President's priority and it is our priority, but I don't want to fail to mention that I believe this Governor would be an extraordinary advocate for foster care children. There are 500,000 of these children, many of them with 4.0 grade point averages, amazingly. Many of them are the most extraordinary children. I have gotten to meet many of these young people as chairman of the Adoption Caucus and an advocate for foster care. This is despite the fact that some of them have spent several years of their youth living in an automobile.

One of these children said to me one day that she got so hungry she would just eat paper. The only thing that made it edible was that she would pour salt on it, just to try to put something in her stomach. These 500,000 children and young people need someone such as Governor Sebelius because these are people in the custody of the Government. The U.S. Government, along with partners in our 50 States, have an obligation to these children for their health, for their education, and to try to help them launch successfully in life. Once we have terminated their parental rights—in many instances for good cause—we then have an obligation to be their parents and to reconnect them through adoption, if possible, or to long-term guardianship. We need somebody in this position who can do that.

I know of Governor Sebelius's heart for foster care, for orphans, and for adoption. I think she will be a wonderful advocate to keep our adoption tax credit in place and to help Senator GRASSLEY and I—we have been working on this with many other Members—find a way to reform the financing mechanism and the way we fund our foster care adoption system in this country, which right now funds the system and not the child. We want the money to support the decision of that good, solid judge who has a plan for the child. The problem is there is no money for the child because we are giving the money to the system instead of tying the money to the child. Senator GRASSLEY and I have a vision to make that better.

I hope we can confirm Governor Sebelius, knowing she has a proven record of governing her State, which is not easy for a Democrat, and remained very popular. That takes a great deal of effort in this day and age, given the partisan nature of our politics. We need to have a ''position filled'' sign as opposed to a ''vacancy'' sign in this position, and we need somebody who understands the commonsense practical approach to governing that is going to deliver for this President and for us—for the American people—a health care system we can depend on, that we can afford, and that promotes risk-taking and entrepreneurship, which is the founding principle, in many ways, of this wonderful country.

I thank the Presiding Officer for the opportunity to speak on behalf of the Governor, and I urge my colleagues to not wait any longer and to confirm this nominee and give her the support she needs. Do not apply any litmus test on any particular issue, but give her the chance I think she wants to have—I am confident she wants to have—to do a good job for us all.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent to speak up to 15 minutes on the pending nomination.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CORNYN. Mr. President, Governor Sebelius, who has been nominated to be Secretary of Health and Human Services, testified before the Senate Finance Committee that she would not refuse to use certain comparative effectiveness research as a tool to deny or delay American citizens' access to health care. Said another way, a concern about comparative effectiveness research, $1.1 billion of which was funded in the stimulus program, can be used both for benign purposes, purposes that are completely understandable, as well as those most Americans would find repugnant; that is, for rationing of access to health care.

Comparative effectiveness research is the comparison of various treatments or approaches to garner better data on what works best and/or what costs the least. Comparative effectiveness research can be helpful and beneficial if it is used to inform health care decisions and individual health care decisionmaking and as a guide to evidence-based medicine. Without appropriate safeguards—and these were the safeguards Governor Sebelius refused to embrace—the Government could actually use comparative effectiveness research to delay treatment and to deny care based on a one-size-fits-all approach to health care.

The economic stimulus package included $1.1 billion for comparative effectiveness research. This research should only be used to better inform individualized decisionmaking; that is, a patient talking to their doctor and deciding what is in that patient's best interests. It should not be used for the Government to say: Patient, we will not pay your doctor for that procedure unless it meets our cookbook medicine model that is generated by comparative effectiveness research. Despite assurances that the stimulus money would not be used to evaluate the relative cost effectiveness of various medical treatments, the National Institutes of Health is already undertaking steps to use the stimulus money to conduct that kind of cost-based research.

As I indicated, Governor Sebelius was asked before the Finance Committee how she plans to use comparative effectiveness research. As Secretary of HHS, she will be in the driver's seat in large part to determine how the policies of this administration and of this Congress will be implemented. My colleague Senator KYL from Arizona expressed his concern before the Finance Committee vote in these words, with which I agree:

> Unfortunately, Governor Sebelius' answers made it clear that the Administration is unwilling to support pro-patient safeguards. She left me with no assurance that HHS, federal health care programs, or any new entity—such as the Federal Coordinating Council—will not use comparative effectiveness research as a tool to deny care. And this should be of concern to all of us.

Instead of allowing the Federal Government to intrude further into personal decisionmaking and medical care, I believe that health care reform should enhance the individual relationships between doctors and their patients. I am concerned that using comparative effectiveness research to justify treatment denials based on cost will significantly limit patients' ability to choose health care services for individual needs. It will also reduce—and this is important—medical innovation and quality of care.

When asked, Governor Sebelius did not have any convincing answers to what is one of the most important questions in the health care debate,

and that is, how do we contain rising health care costs, something that is going to render the Medicare Program insolvent in the next decade? As any employer will tell us, it makes it increasingly more difficult for employers to provide health care to their employees.

According to the Congressional Budget Office, spending on health care will account for nearly 17 percent of the gross domestic product of the United States. In 2009, that will be as much as $2.6 trillion. America spends more than twice what other industrialized nations spend per capita on health care. Can we claim our health care product is twice as good as anywhere else in the world based on this increased spending? I doubt it, even though American health care is very good. But I don't think we could say we get our money's worth by spending twice as much as any other industrialized nation per capita on health care. Health care insurance premiums have risen much faster than workers' wages in recent years which means lower take-home pay for American workers. Health care reforms must ensure that this trend is reversed or we will have failed in one of the most important missions of health care reform.

In the Finance Committee, I asked Governor Sebelius her specific ideas, other than delaying treatment and denying care, on how to contain costs. In my office I asked her, what about health care liability reform which, in my State of Texas, has made health care much more accessible by moderating the growth of medical malpractice insurance premiums, providing a more level playing field when it comes to doctors and hospitals being sued. She basically did not have much of an answer for whether that should be included. I happen to believe it is one of the cost drivers in health care cost and has to be addressed. I submit, with no little modesty, that the State of Texas has experience in this regard that the Federal Government could learn from. While I don't doubt some of the cost containment proposals in her answers could be worthy of pursuing, Governor Sebelius failed to prove that they will provide substantial savings in a $2.4 trillion health care system. The Congressional Budget Office is also skeptical that the proposals she mentioned will result in any substantial savings.

Finally—and this should cause all of us to be concerned about whether there actually will be cost containment or cost savings in health care reform—I am puzzled by the fact that President Obama's budget actually asks for more money, $634 billion. That is not the total price; that is for a downpayment. In my State, as well as the State of the Presiding Officer, before people are accustomed to making a downpayment, they usually want to know what they are buying. But the budget proposal by the President called for $634 billion of additional spending as a downpayment in order to control costs in the long run, which is based on nothing more than hope, and that is hardly a strategy.

We know we are already facing an unprecedented level of national debt. Unfortunately, Congress, under the new administration, has contributed greatly to the fact that we have seen more spending in the last 90 days than we have seen in Iraq, Afghanistan, and in Hurricane Katrina recovery. We know we have $36 trillion more in unfunded liabilities in the Medicare Program alone. So at a time when we need to figure out how we deal with unfunded obligations of the Federal Government, how do we more efficiently spend the 17 percent of gross domestic product that makes us spend twice as much as any other country in the world per capita, we are ignoring some of the huge unfunded liabilities of the Federal Government, and we are asked to take as a matter of faith that these proposals will result in savings without any concrete plan which can be analyzed and evaluated in the light of day.

I firmly believe this country is spending enough money on health care today. What we need are innovative ideas about how to spend it more wisely. I have not heard any innovative ideas from Governor Sebelius or the current administration.

What causes me even more concern is Governor Sebelius has made it clear that she supports a new government-run ''public plan'' for health care that is unequivocally a gateway to a single payer system. A new government-run public plan option will devastate private insurance markets by acting as a competitor, regulator, and funder. How in the world can the private market compete when the Federal Government comes in and sets prices which will cause employers to give up their employer-provided health insurance coverage to allow their employees to get coverage under the public plan? Indeed, the public plan, much like Medicare today, can be relied upon to use denial or delay or treatment rationing of health care in order to contain costs.

The independent Lewin Group analysis found that a new public plan could mean that 118 million Americans will lose their current health care coverage, and 130 million Americans could end up on a government-run health care plan. That is what I mean as a ''gateway'' to a single payer system through this so-called innocuous sounding public plan which will run competition out, will undercut it, and make it impossible to have the benefits of a competitive market, as we have seen on Medicare Part D, the prescription drug coverage plan, which actually, in an amazing feat, has a high public satisfaction and came in under proposed cost, mainly through a market-based mechanism that creates a market for insurance companies to provide prescription drug coverage. That is the kind of model we should be looking at to learn from in order to contain cost, not by Government delaying or denying access to health care under the guise of a ''public plan.''

The Wall Street Journal recently wrote:

> Because federal officials will run not only the new plan but also the ''market'' in which it ''competes'' with private programs—like playing both umpire and one of the teams on the field—they will crowd out private alternatives and gradually assume a health-care monopoly.

A public plan will also increase the cost of private health care. A report by the actuary Milliman estimated the ''hidden tax'' commercial payers pay to subsidize the costs of Medicare and Medicaid equals roughly $88.8 billion per year. This means that the average health care premium is $1,512, or 10.6 percent, more annually per family than it would be without the cost shift. A new so-called public plan option, which is a government-run program, would exacerbate the cost shift and drive up the cost of private health care at a time when we must seek to lower health care costs.

Then there is the Washington Post that wrote on April 27:

> [President Obama's] nominee for secretary of health and human services, Kathleen Sebelius, said that she wants a public plan to ''challenge private insurers to compete on cost and quality'' but ''recognizes the importance of a level playing field between plans and ensuring that private insurance plans are not disadvantaged.''

The Washington Post said:

> We disagree. It is difficult to imagine a truly level playing field that would simultaneously produce benefits from a government-run system.

I ask unanimous consent that this editorial from the Washington Post be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Throughout the campaign last year, the President promised Americans care such as Members of Congress receive. The irony is that Members of Congress do not have access to a public plan. As a matter of fact, we don't need one because there are private plans that provide the coverage we receive.

I am concerned that Governor Sebelius is not up to the challenge of finding—and this is my final point—more than $90 billion of waste, fraud, and abuse in the Medicare-Medicaid Program each year.

There are some who have said that what we need is Medicare for all. Well, right now Medicare, as I indicated, and Medicaid have roughly $90 billion in fraud, abuse, and waste. I hope that is not what they mean—that we need to carry over that kind of waste, fraud, and abuse into a Medicare or a single-payer system. According to an article in the Washington Post last year, more than $60 billion is lost each year to Medicare fraud alone. That is just Medicare—$60 billion of money that could go to provide services to Medicare recipients that is lost to people

who cheat and steal the Federal taxpayer. Medicaid services last year were estimated to be about $32.7 billion similarly lost to fraud, waste, and abuse. Medicare and Medicaid fraud drive up the cost of health care and, I believe, represent an unacceptable mismanagement of taxpayer dollars.

When I asked Governor Sebelius about how she planned to fight fraud in our public programs, she only gave the vaguest of answers to my questions. Additionally, her record as Governor tells me that she is not yet ready to tackle that kind of fraud, waste, and abuse as Secretary of Health and Human Services.

The Kansas State Legislature is planning to have hearings on whether Governor Sebelius was involved in a decision to provide more than $700,000 in ''extraordinary'' Medicaid funds to an organization linked to a number of her supporters. An article by the Kansas Health Institute said that:

> Regardless of the Medicaid question, which isn't likely to be answered any time soon, many believe [the Medicaid Director's] decision was based on the political connections of those most closely involved.

The article goes on to say:

> Some Kansas officials are debating whether State oversight of [Kansas'] Medicaid program was strong enough. The debate focuses on the inspector general's office, created in 2007 within the Kansas Health Policy Authority to ferret out potential problems in Medicaid. The first inspector general left in October and has told legislators the authority hindered her work . . . The scrutiny came after a legislative audit described $13 million in ''suspicious claims'' paid by Medicaid in 2005 and 2006, before the authority took over the bulk of the program. In one case, auditors said the program paid a doctor $941 for a Cesarean section when the patient was an 8-year-old boy.

Republicans and, indeed, all of us, I believe, want a new HHS Secretary to be someone committed to work with them to reform the health care system in a bipartisan process that will reach the best result for the American public. Unfortunately, with a sense of foreboding, I read accounts that Democratic leadership wants to use the budget reconciliation process to jam a partisan health care reform bill through on an expedited basis without adequate debate or deliberation. I think that would be the worst of all possible outcomes. This is a serious enough issue that we need true bipartisan buy-in and contribution to workable health care reform.

Unfortunately, Governor Sebelius backed a highly partisan process for health care reform that excludes representatives of 50 percent of the American people: the use of budget reconciliation that I mentioned. Governor Sebelius refused to say that she would not support the use of reconciliation to pass health care reform. In her response to committee questions, she wrote:

> There are many tools available and none of those tools, including reconciliation, should be taken off the table.

I am very concerned that using a partisan procedural trick to reform a system that comprises 17 percent of our gross domestic product is not in the best interests of the American people. The American people deserve open and full and honest debate about how to improve our health care system, not this kind of partisanship.

Then, finally—and this is my final point—Governor Sebelius failed to disclose relevant information to the Finance Committee during the consideration of her nomination. Not only was there the matter of her tax returns—something that, unfortunately, has become a trend, it seems, in this administration's nominees—she also failed to disclose contributions from a controversial abortion provider until pressed by the media.

The Associated Press wrote that:

> When the discrepancy became public Sebelius acknowledged getting an additional $23,000 from Tiller and his abortion clinic beyond the $12,450 she initially reported.

While I appreciate her apology and her mention that it was only an inadvertent error, I am concerned that a Cabinet Secretary should be held to a much higher and more transparent standard.

So I am sad to say I will not be able to support Governor Sebelius's nomination for Secretary of Health and Human Services.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 27, 2009]

REFORMING HEALTH CARE

Of the many possible issues that could snarl health-care reform, one of the biggest is whether the measure should include a government-run health plan to compete with private insurers. The public plan has become an unfortunate litmus test for both sides. The opposition to a public plan option is understandable; conservatives, health insurers, health-care providers and others see it as a slippery step down the slope to a single-payer system because, they contend, the government's built-in advantages will allow it to unfairly squash competitors.

For liberals, labor unions and others pushing to make health care available to all Americans, however, the fixation on a public plan is bizarre and counterproductive. Their position elevates the public plan way out of proportion to its importance in fixing health care. It is entirely possible to imagine effective health-care reform—changes that would expand coverage and help control costs—without a public option.

President Obama has said that he favors a public option but has been sketchy on details. His nominee for secretary of health and human services, Kathleen Sebelius, said that she wants a public plan to ''challenge private insurers to compete on cost and quality'' but ''recognizes the importance of a level playing field between plans and ensuring that private insurance plans are not disadvantaged.''

The argument for a public plan is that, without the need to extensively market itself or make a profit, it would do a better job of providing good health care at a reasonable cost, setting an important benchmark against which private insurers would be forced to compete. Even in a system where insurers are required to take all applicants, public plan advocates argue, incentives will remain for private plans to discourage the less healthy from signing up; a public plan is a necessary backstop. Moreover, if the playing field is level, public plan advocates argue, private insurers—and those who extol the virtues of a competitive marketplace—should have nothing to fear.

We disagree. It is difficult to imagine a truly level playing field that would simultaneously produce benefits from a government-run system. While prescription drugs are not a perfect comparison, the experience of competing plans in the Medicare prescription drug arena suggests that a government-run option is not essential to energize a competitive system that has turned out to cost less than expected. Insurers and private companies have been at least as innovative as the federal government in recent years in finding ways to provide quality care at lower costs. Medicare keeps costs under control in part because of its 800-pound-gorilla capacity to dictate prices—in effect, to force the private sector to subsidize it. Such power, if exercised in a public health option, eventually would produce a single-payer system; if that's where the country wants to go, it should do so explicitly, not by default. If the chief advantage of a public option is to set a benchmark for private competitors, that could be achieved in other ways, for example, by providing for the entry of a public plan in case the private marketplace did not perform as expected.

Maybe we're wrong. Maybe it's possible to design a public option that aids consumers without undermining competition. If so, we certainly wouldn't oppose a program that included a public component. But it would be a huge mistake for the left to torpedo reform over this question.

Mr. REID. Mr. President, the hole we have inherited is a deep one. We are all in it together, and together is the only way we will be able to climb out of it.

One step that will put us back on the path to prosperity is reforming our broken health care system.

We will soon begin debating the best way to give all Americans the access to quality, affordable health care that they deserve. We will begin to lay the groundwork for creating health care jobs that not will not only improve the health of our economy but of Americans everywhere.

It will not be an easy task. It will take the cooperation of both Republicans and Democrats. It will take the collaboration of both the White House and the Congress. But right now, the President is playing shorthanded.

Governor Sebelius will be a key player on his team. President Obama will benefit from having her experience and temperament in his Cabinet, and all Americans will benefit from her extraordinary leadership.

Governor Sebelius has worked hard for the people of Kansas for more than 20 years—the first 8 in the State legislature, then as the State's insurance commissioner for another 8 years. It is safe to say she knows a thing or two about the complexities of insuring all Americans and the urgency with which we must do so.

On her way to becoming insurance commissioner, Kathleen Sebelius refused to take campaign contributions from insurance companies. Once she got there, she made her mark by cracking down on HMOs and saving taxpayers money.

For the last 6 years, she has served as the Democratic Governor of a bright red State. One doesn't succeed—let alone get reelected—in that environment without knowing how to put people ahead of partisanship. Governor Sebelius did just that—she expanded health care for children and made both health care and prescription drugs more affordable for everyone.

Her integrity is beyond reproach, her expertise is essential, and her confirmation is long overdue.

The only way for our economy to fully recover is by making the critical investment of reforming health care. The stakes are too high and the cost of inaction is too great.

If we are going to start digging out of this hole, we must start by filling the hole over at HHS. And if we are going to fix our broken health care system, who is better equipped to lead that effort than Kathleen Sebelius?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The nomination of Kathleen Sebelius.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that any remaining debate time be yielded back and the Senate then proceed to vote on confirmation of the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that upon confirmation, the other provisions of the April 23 order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—65

Akaka	Bingaman	Burris
Baucus	Bond	Byrd
Bayh	Boxer	Cantwell
Begich	Brown	Cardin
Bennet	Brownback	Carper
Casey	Kohl	Reid
Collins	Landrieu	Roberts
Conrad	Lautenberg	Sanders
Dodd	Leahy	Schumer
Dorgan	Levin	Shaheen
Durbin	Lieberman	Snowe
Feingold	Lincoln	Specter
Feinstein	Lugar	Stabenow
Gillibrand	McCaskill	Tester
Gregg	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Voinovich
Inouye	Murray	Warner
Johnson	Nelson (NE)	Webb
Kaufman	Nelson (FL)	Whitehouse
Kerry	Pryor	Wyden
Klobuchar	Reed	

NAYS—31

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Risch
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	
Crapo	Kyl	

NOT VOTING—3

Kennedy	Rockefeller	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31. Under the previous order requiring 60 votes, the nomination is confirmed. The motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

FOCUS ON AFGHANISTAN AND PAKISTAN

Mr. CASEY. Madam President, I rise to convey this afternoon some brief remarks on the new strategy of the United States for Afghanistan and Pakistan announced by President Obama last month. I applaud his statement, and I applaud the sharpening of focus this new administration has brought to our mission in this critical region of the world. For too long, our policy in both Afghanistan and Pakistan has drifted—overly reliant on support for individual leaders, excessively ambitious in our goals for the region, and, finally, lacking any constraints or accountability for the billions of tax dollars of the United States spent in both countries.

President Obama made clear during the campaign last year that we could no longer pair grandiose rhetoric with paltry resources when it comes to U.S. policy toward those two nations.

Accordingly, in one of his first national security decisions, he established a 60-day comprehensive review of our entire policy. He asked the respected Bruce Riedel to take leave from the Brookings Institution and oversee this review.

The policy review is now complete. With the full support of Admiral Mullen and General Petraeus, the President is dispatching an additional 4,000 troops to train and advise the Afghan Army as it grows in size and scope to shoulder the burden of securing Afghanistan on its own.

The President is dramatically increasing our civilian presence in Afghanistan, recognizing that we cannot win this conflict on military terms alone but must provide a robust development and diplomatic capability to complement our brave fighting men and women.

Finally, the Obama administration recognizes we cannot separate Afghanistan and Pakistan, to pretend as if they were two separate challenges. Nothing could be further from the truth.

Following the successful offensive of the United States in Afghanistan in 2001 and 2002, hard-line Taliban and al-Qaida elements successfully relocated to western Pakistan. From there, they have created a sanctuary to attack troops of the United States, to destabilize eastern and southern Afghanistan, and to launch attacks on Pakistani military units and civilian installations.

Moreover, these radical elements are beginning to move westward within Pakistan, threatening the stability of the Pakistani state. I am extremely concerned by the speed with which the Taliban is gaining ground, especially in the areas close to Islamabad, the capital. I know the administration is working with our partners in Pakistan to prevent the situation from deteriorating even further. We must continue to work with the Government of Pakistan to prevent these radical groups from destabilizing the Pakistani State and the region. As we all know, Pakistan has a nuclear arsenal which would pose a grave threat should it fall under the control of extremists.

The recent gains of the Taliban show how interrelated the threats in Pakistan and Afghanistan are. The threat in Afghanistan feeds off the threat in Pakistan and vice versa. We must treat this for what it is: one theater that requires a unified approach.

The President laid out, in vivid terms, why this is so important that we achieve success in our mission in both countries. Let me quote from his speech laying out the new strategy. I am quoting President Obama:

> Multiple intelligence estimates have warned that Al Qaeda is actively planning attacks on the U.S. homeland from its safe-haven in Pakistan. And if the Afghan government falls to the Taliban—or allows Al Qaeda to go unchallenged—that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

It gets no clearer than that. The very people who attacked us on 9/11 are plotting future attacks on us in Afghanistan and the border region in Pakistan. We must disrupt and neutralize these groups before they strike again.

A theme I have emphasized in recent weeks is that the President, supported by his Cabinet officers and top aides, must continue to engage the American people on why our mission in Afghanistan and Pakistan is so essential to our national security. In other words, it is not enough to have one Presidential speech on our strategy and then to ignore the issue. I know this President, and I understand he will not do that. Instead, he will continue to talk about the importance of the sacrifices being made by our fighting men and women in that theater. He will lay out a series of benchmarks to measure progress by the Afghan and Pakistani Governments and then give us clear indications as to how they are doing. The American people will support their Commander in Chief but only provided they are given updates on the progress achieved at regular intervals.

Let me conclude with one final observation. During the lead up to and the early execution of the Iraq war, the Congress was rightly criticized for being missing in action. Tough questions on our mission and our strategy were not asked often enough. Administration assertions were too often taken at face value. We cannot allow that to happen again, not in a military conflict so vital to the security of the American people.

I support the President wholeheartedly, but that support is neither blind nor unthinking. I happen to chair the Senate Foreign Relations subcommittee responsible for the Middle East and South Asia. Accordingly, Afghanistan and Pakistan fall within my subcommittee's jurisdiction. I intend to hold hearings later this year to review the administration's implementation of the strategy it announced recently, with a special focus on the promised benchmarks for success in both countries.

Effective congressional oversight is essential if the United States is to have unity of purpose and unity of will to, as the President has said, disrupt, dismantle, and defeat al-Qaida in Pakistan and Afghanistan and to prevent their return to either country in the future.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY CODE REFORM

Mr. DURBIN. Madam President, later this week, probably tomorrow or Thursday, we will consider an amendment which I will offer relative to the Bankruptcy Code. I can remember not that many years ago, when we reformed the Bankruptcy Code, I was a member of the Senate Judiciary Committee—a new member—and the ranking chairman of the Subcommittee on Bankruptcy was Senator GRASSLEY of Iowa. He had worked on this for quite some time.

I looked around the Senate Judiciary Committee and reflected on my colleagues, many of whom had served for years in the Senate and on that committee. But when it came to the issue of bankruptcy, 10 years ago, I realized something that was a little amazing. By virtue of the fact that I had taken a course in bankruptcy at Georgetown Law School 30 years before—a 3-hour, one-semester course—and had been appointed a trustee in bankruptcy in the Federal court in Springfield, IL, over a bankrupt gas station, I had more experience in bankruptcy than any member of the committee.

Nevertheless, we embarked on this reform of the Bankruptcy Code—a massive undertaking. It took years before it was finally accomplished, and during the course of that a lot of amendments were offered. Of course, I viewed bankruptcy then and now as the last resort of desperate people. But, sadly, many millions of Americans have found this to be the only thing to which they can turn. They have reached such a point in their lives and in their economic experience where they have no choice but to turn to bankruptcy court and try to wipe the slate clean and to start over.

The major reasons people go into bankruptcy are pretty obvious—the loss of a job; the No. 1 reason, of course, is health care bills. People end up with bills that aren't covered by insurance and have no place else to turn. Sometimes a bitter divorce will end in bankruptcy court. It is rare that people turn to it. I think many of the critics of bankruptcy think people are just looking for any opportunity to go to bankruptcy court. I don't think that is the case with the majority of those petitioners who file for bankruptcy.

So here I am again, some 10 years later, looking at the Bankruptcy Code, but this time in a different context altogether. At this point in time, more and more Americans are headed for bankruptcy court for a new reason. They are losing their homes. They fell behind in their payments on their mortgages, became delinquent, and now face foreclosure. You know what I am talking about—people who have lost their jobs, people who signed up for mortgages that were very misleading, people who ended up in a circumstance where the mortgage they signed ends up triggering a new interest rate they can't sustain. So the most important asset they have on Earth—their home—is about to be lost, and they are headed to bankruptcy court to try to salvage something out of their lives.

Now, if the person headed for bankruptcy court facing foreclosure on their home is well off and has other real estate, such as a vacation condo in Arizona or Florida, it is interesting what the bankruptcy court can do. The person who comes in filing for bankruptcy facing foreclosure on two pieces of real estate, the home and the vacation condo, finds out that the court treats them totally different.

When it comes to the vacation condo, the bankruptcy judge sits down, takes a look at the assets of the person filing for bankruptcy, and tries to determine whether at the end of the day they can ever make another mortgage payment. For some, it is hopeless; they have lost a job and they are so far behind it will never work. But for others, they are right on the edge. So the bankruptcy judge has the power, when it comes to the vacation condo, to rewrite the terms of the mortgage that is being foreclosed upon because the judge concludes that the person can make a mortgage payment, if in fact the person is given a new interest rate or a new term for the mortgage.

That is what they can do with the vacation condo. But what can the bankruptcy judge do when you file for bankruptcy facing foreclosure on your home? The answer is nothing. There is nothing the court can do. There could literally be a circumstance where a person could have a restructured mortgage coming out of bankruptcy to save that condo in Florida but lose their home. That is the way the law is written.

The same is true when it comes to farms and ranches. Not long ago some of the critics of my amendment were pushing in Congress and in the Senate a revision in the bankruptcy law which said, if someone goes into bankruptcy facing foreclosure on their farm, then we ought to let the bankruptcy judge see if they can rewrite the terms of the mortgage. We passed that into law. The same thing applies to ranches—farms, ranches, second homes, and vacation condos. The bankruptcy court has that power. But when it comes to your home it does not.

How do you explain that? Why in the world could someone turn to the bankruptcy court for relief for every piece of property but the most important one in life? The answer is that it is the law, and that is what the Durbin amendment would change.

Of course, there are some who do not like this change—the banks. They don't like this change because it means at the end of the day, if they will not sit down with someone facing foreclosure to try to work out and renegotiate the terms of the mortgage—at the end of the day that person may go to bankruptcy court and end up having a judge do it. That is the court of last resort when one is facing foreclosure under my amendment. So that is why many of the banks resist it. They don't want to sit down and renegotiate the terms of the mortgage.

Now let's take a look at where we are in America today. This is not the first time I offered this amendment. I offered it last year to give the bankruptcy court this power. When I offered it, the critics said: We don't need it. Mortgage foreclosure is not that big of a problem.

When I offered this amendment last year, we estimated that 2 million American homes would be lost to foreclosure. Since then things have changed dramatically. The best estimate now from Moody's, a group that most people trust when it comes to making economic forecasts, is that instead of losing 2 million homes to foreclosure in America we are likely to lose more than 8 million homes to foreclosure in America.

What would 8 million homes in foreclosure represent? It would represent one out of every six home mortgages in America.

Visualize your own street you live on or the building in which you live. Imagine how many people are paying a mortgage payment on that street. Now imagine that one out of six loses their home. What impact does that have on you as a neighbor? It is not good. The value of your home goes down if there is a foreclosure in your neighborhood. Even worse, your neighborhood could change.

A foreclosed home, 99 percent of the time, goes back to the bank. It is not sold on the market and reoccupied. It sits there. I have seen them. I have seen them in Chicago, and I have seen them in Springfield, IL. These are homes that are boarded up with plywood. The lots in front of them look like a trash heap. Many times vandals come in and rip out the plumbing if they can get some copper pipe out of it, and sometimes it ends up becoming a haven for criminal activity and drug trafficking. It can literally destroy a neighborhood, and I have seen that happen—one foreclosed home.

Why? The banks can't do anything with it. They can't sell it on this market. They certainly do not put the time in to maintain the home as you would your own home in that same neighborhood. And everybody suffers as a result of it.

In addition, the banks that go through mortgage foreclosure end up spending $50,000—that is about the average of what it costs a bank to have a home foreclosed upon.

It looks as if there are a lot of losers in this process I have just described. A family loses their home, a neighborhood sees a decline in value of all the real estate around it, and there is an eyesore at least, and maybe worse, and the bank ends up with a $50,000 debt. One would think under those circumstances that banks would be anxious to try to figure out if they could keep a person in their home.

I told a story last night which I think illustrates it. A flight attendant on a flight back to Chicago pulled me aside and said: I am a single mom with three kids. I have a home in the suburbs. My mortgage rate is too high. I can't make the payments anymore. I don't want to lose the home. If I could just renegotiate now to the lower interest rate I can make the monthly payments, and I could save my home. But what am I supposed to do?

And the answer I had to tell her was, basically: Beg the bank, and if they won't go along with renegotiating the mortgage, you are in a pretty sorry situation. You are facing delinquency, default, and foreclosure in a credit situation that is going to be absolutely horrible.

So we wrote this bill, not just to give the bankruptcy court the power to renegotiate the terms of the mortgage but also to set up conditions. Here are the conditions: The first one is, if someone is anticipating going to bankruptcy court, they are required to present to their lender, the bank with their mortgage, at least 45 days in advance of filing bankruptcy, the legal documentation of their economic circumstances: an indication of their income, a balance sheet on their assets and liabilities so the bank can take a look at them and see if there is a way to save this person who might otherwise face foreclosure.

I think about that flight attendant. She could prove that she has a steady job. She goes to work every day. She has been a model citizen, but she got caught in a bad mortgage, and when the ARM reset she couldn't keep up with it. At that point, if the bank offers her a renegotiated mortgage where she is paying at least 31 percent of her gross income as the mortgage payment—if the bank makes that offer, then this flight attendant and others, if they do not take the offer, cannot ask for the bankruptcy court to change the terms of the mortgage.

It is pretty basic. We put a limit on how much of a house someone can take into this process. It is about $729,000. We also say that only loans that originated before January 1 of this year are eligible for modification. The loans must be at least 60 days delinquent before they are eligible for modification, and only loans for which a foreclosure notice has been sent are eligible. So it is an emergency, a pretty drastic circumstance before a person would exercise these rights, go to a bank, put their documentation on the table and see if they could get a renegotiation of their mortgage.

I think it is a reasonable way to stop some of the mortgage foreclosures, and I think this is essential if we are going to turn this economy around. This recession started in the mortgage market, and it will not end until we straighten out that same market.

Unfortunately, there were a lot of smooth operators out there. Let me tell you the story of one woman in Chicago, and I think this is such a classic illustration. This lady had worked her whole life at a little factory, and she had saved up a little bit of money but she was counting on Social Security. She had basically paid off the house in which she lived and she was in retirement. She had the Social Security checks coming in and, of course, she believed she was in a secure situation.

A knock comes on the door, and a person says: Mrs. So-and-So, I just wanted to let you know you aren't living on one lot, you are living on two lots. You see, it turns out there are two parcels here. Your backyard is a separate real estate parcel and you have failed to pay the taxes on it and it has been sold at a tax sale.

This is a woman, a wonderful woman who worked her whole life. She wasn't a lawyer or an accountant or a real estate expert, and she went into a panic, to think that somebody was going to build something in her backyard.

She said: What can I do?

They said: You have to come up with money to buy back from the tax sale for the real estate taxes that went unpaid.

It turned out they had been mailing the notices of the taxes to another address. She wasn't aware of it.

So she looked around and saw on television an offer for a home refinancing. She called the 800 number, and the next day somebody showed up at her house and said: We can take care of this. This poor lady, 48 hours later, was brought into an office of a mortgage broker in Chicago. This is all happening in 72 hours. They sat her down at a table without asking for any evidence of her income or her net worth and handed her a stack of papers and said: Just sign these papers.

If you have ever been through a real estate closing, have you ever felt so hopeless in your life as with that stack of papers? As a lawyer I used to sit there and think: I hope I have looked through everything that is in there because it is page after page of small print, most of it in terms most people wouldn't understand.

She signed all of these documents. They gave her the money to buy the lot back from the tax sale, and they said we will give you a little extra money on the side. She thought everything worked out. The monthly payment was something she could handle.

Then came the reset. In a matter of a year or two the reset on the mortgage, this adjustable rate mortgage, drove the monthly payment up to the point where they were taking 80 percent of her Social Security check. She was about to lose her home, the whole thing now, because of what she had signed up for.

That is when I met her in this desperate circumstance, where she turned to people and said: Is there anybody who can help me out of this mess? She was in her late sixties and just beside herself to think that she would have to give up this home that she had hoped to live in for the rest of her life.

Thank goodness a bank did step forward, refinanced the whole project at a reasonable interest rate, and she was

able to stay in the home. But her story is not unlike a lot of others where people got into a circumstance with a mortgage broker and a bank and ended up signing up for a mortgage they couldn't handle. It happened to a lot of people.

These mortgage brokers—incidentally, many of them were engaged in predatory lending; that is breaking the law—fraud, misleading people because it was a hot market. Boy, if you could move a mortgage as quickly as possible, the next thing you knew it was part of a big security arrangement off with some big bank somewhere.

When I talked to the banks about giving people a second chance facing mortgage foreclosure, the banks told me: These people made a big mistake. Why should we bail them out of their mistake? Why should we feel any responsibility to them for the mistakes they made?

It is a pretty heartless argument. It is even worse nowadays because the very same banks, such as the American Bankers Association, and the community banks—not as many of those, I might add, but the very same banks that are saying these people have to pay a price for bad decisions, many of these banks were in line to receive millions if not billions of Federal dollars because of the same mistakes they made. When they made a business mistake, they ended up turning to the Government and our taxpayers. All of us ended up trying to help our banks get out of the mess they created with these subprime mortgages and the instruments that followed.

So the same banks that made these terrible mistakes, built these rotten portfolios, facing bankruptcy themselves, about to go out of business, happily took the money in from the Federal Government and now, when we say to them: What about the victims on the south side of Chicago or Albany Park or near Midway Airport—what about them? Can we give them a second chance? No, sir. Don't you understand what a moral hazard is? People have to pay the price for bad mistakes.

Bankers, obviously, don't believe they have to pay the price. Sadly, the situation is one that will be manifest in the vote we are about to take in just a few hours—maybe in the next day or two—on the Senate floor. I have been working on this for 2 years. I thought this was unfair at the start, that the bankruptcy court could not sit and rework this mortgage as it can for so many other pieces of property. I didn't realize when I started this journey that 2 years later we would still be talking about millions of homes facing foreclosure and people desperate for it.

America is going to be a different place if 8 million homes face foreclosure. Unfortunately, a lot of towns are going to be different and a lot of neighborhoods are going to be different and these bankers are counting on the fact that at the end of the day, Uncle Sam will keep sending them money, trying ways to buy them out because they are too big to fail. The banks are too big to fail. These financial institutions, they know at the end of the day they are going to get a helping hand from this Government. But when we asked them to give a helping hand to people facing foreclosure, they walked away from the table. They walked away from the table. They would not negotiate with us, even though we put in reasonable requirements for people to do the right thing. They walked away from it. They feel no responsibility toward these people. That is unfortunate. It is unfortunate for the victims. It is unfortunate for our Nation.

This is not the last time we are going to visit the issues involving banks. I have learned the hard way that they are a pretty powerful lobby. One would think after what we have been through with this real estate bubble—the subprime mortgage mess with a lot of these banks, people trying to run away with multimillion-dollar bonuses in the midst of taking money from the Federal Government—one would think with all of that, the bankers wouldn't have the political clout in the Senate, but they do.

It is going to be a real test to see if we can come up with the 60 votes we need in the Senate to change this law and give these homeowners a fighting chance. I am not sure we can, but I think it is worth the effort.

I might say to the bankers, if you beat me this week—I hope you do not but if you do—hang on tight; we are coming back at you next week.

Do you know what we are going to talk about next week? Credit cards. We are going to talk about what these banks do with credit cards to consumers and families and businesses across America. And you know what I am talking about, situations where people face interest rates that all of a sudden mushroom overnight for no apparent reason.

I have had this happen. Send your payment in a day late. Watch what happens. You not only get a penalty for being a day late, they charge you interest on the penalty, and then interest again the following months. It just keeps coming at you.

You start adding it up and you think to yourself, this is an outrage. And it is an outrage. Time and again what these banks have done with their credit cards is to put people in a credit trap.

They had a feature on NOVA that I watched last year analyzing the credit card industry. It had this one fellow in there who is considered the wizard of credit cards. This man was the greatest mind in the world when it came to credit cards. A curious thing about him, though, they would not identify where he lived. They made a point of saying, he would only agree to an interview if we did not disclose where he lived. Very unusual, right.

Well, this man, in his infinite genius, came up with the following: He came up with the idea that the minimum monthly payment, instead of being 4 percent, should be 2 percent. Do you know why? Because if you pay 2 percent a month you will never, ever get out of debt. You are stuck. The minimum monthly payment is a guarantee that the interest is going to eat up everything you pay by the next month.

During the bankruptcy debate here, I had a simple little amendment. The amendment said this: If you have on your monthly statement a minimum monthly payment on the credit card, the bank issuing the credit check has to put below that minimum monthly payment: And if you make the minimum monthly payment, it will take you X months to pay off the balance and you will pay X dollars in interest.

The credit card companies refused to put that information on the monthly statement. And you know what they said to me: It is impossible to calculate that. Sure it is. It is impossible to calculate it, because they know if the average borrower, the person with that credit card, knew what that monthly minimum payment meant, they would think long and hard about whether that is all they are going to send in.

It is tough love in a way. Some people did get overextended in credit. But these credit card companies milked it for every penny it was worth. Senator CHRIS DODD of Connecticut is going to bring us this credit card reform bill. The House of Representatives is about to pass one this week.

So next week, I would say to my friends at the financial institutions and the banking industry: Hold on tight. We are coming at you again. And this time we are going to try to help out the consumers across the country, to help out the families who are being ripped off by credit cards every day, every single day.

In a tough economy, people who turn to these credit cards in desperation sometimes are the most helpless victims. I think it ought to go beyond that. I would not stop there. I have legislation which does something that has not been done in a long time in this country. It establishes a usury rate. Usury used to be the established ceiling, the maximum, that you can charge for interest. We got away from that a long time ago. We said, we will let the market decide.

Well, I put in a bill that said: The maximum you can charge for interest for any 1-year period is 36 percent. That would be for mortgages, that would be for credit cards, basic loans. The reason I picked that number was that a few years ago we decided that members of the U.S. military and their families were being exploited so badly by the pay-day loans and title loans and installment loan operations that we put a limit on the interest rate that can be charged to our military and their families of 36 percent. Why? Because a lot of soldiers borrowing money, their family borrowing money, got so deeply in debt and could not get out of it, they had to leave the military service. After being trained and

ready to serve our country, they could not continue. So we put this protection in of 36 percent.

If that is good enough to protect our military, why is it not good enough to protect every American? I think 36 percent is reasonable. But I learned something as soon as I introduced that bill. It is amazing that this industry, like the title loan business, and the pay-day loan business, it is amazing what they will come in, sit down in your office and say to you with a straight face. I said to this group in Chicago: Well, how much do you charge in interest at these pay-day loans and title loans?

The fellow said: Senator, you know it is the circumstance.

I said: How much do you charge?

Well, you know, on an annual basis somewhere between 58 and 358 percent.

What—58 and 358 percent?

Yes, but those are circumstances.

It gets down to the bottom line. Those people should not be in business. These poor people who think they are borrowing money are never going to get out of that hole. And we make it legal in this country. If you did it as part of some gangland activity, it would be extortion, and it might lead to criminal prosecution. But if you do it with a certain sign in front of your business, it is considered the free market at work. Well, I think it is the free market run amok. That is why I think it needs to be changed.

So we are going to face this vote this coming week. It is a very important one. It is one I hope will change the landscape. I hope that more homes will be spared from foreclosure. And I hope we can start stabilizing the real estate market.

I think when we do, we are going to find our way out of this recession. Until we do, we are going to keep looking for the bottom. How many homes will go in foreclosure? How many will sit vacant? And how low can the value of our homes go for those of us paying our mortgages every month?

That is what we are up against. We have not found that bottom yet, because the banks are not prepared to step forward and support any legislation that gives those people a fighting chance. They will have their opportunity this week in the Senate to speak.

Members of the Senate, tomorrow, I will go through State by State and show you what some of these States are facing. Mortgage foreclosures are bad in Illinois. Some parts of Chicago are horrible. But in some States it is devastating.

I think Nevada is a classic example of a State where mortgage foreclosures are out of hand at this point. We have got to do something. We have got to step forward. The President supports this proposal I am bringing to the floor. I hope we can find some Members on both sides of the aisle, particularly on the Republican side of the aisle, who will join us.

I yield the floor.

STATUTORY TIME-PERIODS TECHNICAL AMENDMENTS ACT OF 2009

Mr. LEAHY. Madam President, I am pleased that yesterday the Senate passed the Statutory Time-Periods Technical Amendments Act of 2009, H.R. 1626. This good-government bill creates a more consistent and standard method for lawyers and judges to calculate court deadlines. It is a small but important bipartisan bill that will improve the effectiveness of our judicial system.

Last week, the House of Representatives passed this bill on their suspension calendar. The Senate has given its unanimous support to this legislation, and I look forward to the President signing this bill.

Last month, I introduced an identical measure in the Senate with Senators SPECTER, WHITEHOUSE, and SESSIONS. In the last few weeks, I have worked with many others in the House and Senate to ensure that this legislation proceeded quickly through both Chambers of Congress. Representative HANK JOHNSON has worked especially hard to move this bill through the House. We have a strong bipartisan bill that will result in significant improvements in the efficiency and effectiveness of our judicial system.

This legislation incorporates the full recommendations of the Judicial Conference of the United States to alter deadlines in certain statutes affecting court proceedings to account for recent amendments to the Federal time-computation rules. It provides judges and practitioners with commonsense deadlines that are less confusing and less complex than current deadlines and also ensures that existing time periods are not shortened.

After much study and significant public comment, the Judicial Conference's Standing Committee on Rules of Practice and Procedure and the Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules arrived at proposed new rules intended to provide predictability and uniformity to the current process of calculating court deadlines. The proposed rules respond, in part, to findings from the Judicial Conference that the current time-computation process is confusing and can lead to missed deadlines and litigants' loss of important rights. Under the current time-calculation rules, weekends and holidays are not counted when calculating court deadlines of less than 30 days but are counted for calculating court deadlines longer than 30 days. The proposed new rules simplify this process by counting holidays and weekends regardless of a court deadline's time period. According to the Judicial Conference, these proposed changes would respond to practitioners' complaints and concerns from judges.

This legislation amends a number of Federal civil and criminal statutes affecting court proceedings and harmonizes them with the proposed rules. First, this remedial bill alters certain statutory court deadlines to counterbalance any shortening of the time period resulting from the ''days are days'' approach. For example, the bill changes 5 days to 7 days, and 10 days to 14 days, to prevent time periods from becoming shorter when a practitioner counts all days, including weekends. This change would, in effect, maintain the same time periods in the statutes. In addition, if a time period ends on a holiday or a weekend, the time period would be extended to the next business day. The bill also changes some statutory deadlines that would otherwise be inconsistent with the amended rules deadlines and lead to confusion.

Both the Department of Justice and the Judicial Conference urge swift consideration of this proposal on or before December 1 of this year, the date the Judicial Conference's amendments to the rules take effect. I am pleased that we are able to accommodate their request.

Passing this bill is the right thing to do. I know that the legal community will benefit from the uniform court deadlines that this legislation provides. American citizens will have their rights more fully protected by court deadlines that are clear and unambiguous. Even more, public confidence in our justice system can only be strengthened when court procedures operate in a manner that is free of any unnecessary confusion.

I thank the Department of Justice and the wide array of legal and bar organizations that have supported the Judicial Conference's recommendations incorporated in this bill, including of the American College of Trial Lawyers, the Council of Appellate Lawyers, and the American Bar Association's Section of Litigation and Criminal Justice Section. I am especially grateful to the Administrative Office of the Courts which, on behalf of the Judicial Conference, sent us those policy recommendations from the Federal judiciary. Those recommendations are included in this bill, and I commend them for their hard work and attention to this issue.

Only a few months into a new administration and a new Congress, it is incumbent upon us to continue to focus on the requirements of the Federal judiciary that our citizens and our Republic need and deserve. The measure we passed yesterday is a positive step in the right direction.

I look forward to President Obama promptly signing it into law.

TRIBUTE TO SHAP SMITH

Mr. LEAHY. Madam President, I would like to take this opportunity to recognize the remarkable leadership of Mr. Shap Smith who represents the towns of Elmore, Morristown, Woodbury, and Worcester, and who is now the current speaker of the Vermont House of Representatives.

Having recently assumed the role of speaker at the beginning of this legislative session in January, Mr. Smith

has already made his mark as a fair-minded and seasoned leader. He has driven the successful passage of several pieces of legislation, addressing Vermont's sexual abuse response system and legalizing same-sex marriage, among other important issues. Marcelle and I recently had dinner with Shap and his wife Dr. Melissa Volansky. We are both impressed with his commitment to Vermont.

I am looking forward to watching Shap Smith continue to lead the Vermont Legislature and build a record of fiscal and social responsibility. I wish him luck as he undertakes this challenging job during these difficult times.

I ask unanimous consent that the text of an April 20, 2009, Rutland Herald article about Mr. Smith be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Apr. 20, 2009]

SMITH LEADS WITH GRINNING STYLE

(By Susan Allen)

MONTPELIER.—Each speaker of the Vermont House has his or her own leadership style.

Ralph Wright growled.

Michael Obuchowski boomed.

Walt Freed ruled.

Gaye Symington analyzed.

And Shap Smith . . . well, he grins.

''I'm a friendly guy,'' said House Speaker Smith, new to the post this session, when asked last week about his style. Smith, himself a Democrat, reaches across the political aisle to work with Republicans, Progressives and Democrats alike.

But don't think he's a pushover.

''People know I take the issues pretty seriously,'' added Smith, a University of Vermont and Indiana University School of Law graduate who handles intellectual property, insurance coverage and civil litigation with the firm Dinse/Knapp/McAndrew during the off-session. ''I can go toe-to-toe in debating issues.''

Looking at the speaker, opponents might be tempted to underestimate his political skills. With a wiry frame from running, cross-country skiing and other athletic activities, and his wire-rimmed glasses, Smith looks about 25. He is, in fact, 43.

And anyone who thought he might be too young to lead need look no further than the recent House vote to override the governor's veto of the same-sex marriage bill. Smith needed 100 members to support the override, and going into the vote, the outcome was far from certain.

As he announced the final tally to the House floor—to the surprise of many, the needed 100 voted with the speaker and same-sex marriage would become law in Vermont—Smith stepped away from the podium briefly and appeared emotional.

''I have friends and colleagues to whom and for whom this bill meant a great deal,'' he said during a conversation last week in his window-lined Statehouse office. ''I am very pleased we were able to do it. It was a great achievement.''

Shap is actually Shapleigh Jr., a name that came from his grandmother, who was adopted into the Shapleigh family from the town of Shapleigh, Maine. His grandmother grew up in West Lebanon, N.H., where ''there were all these Shapleighs,'' he added.

''I went to high school in Morrisville. I always wanted a different name,'' Smith said. ''Dave or Tim would have been just fine. Shapleigh is not a usual Vermont name.''

Smith had an eye on public service since serving in student government in school. He followed politics closely in the 1990s while living in New York City and working for a law firm there, and started becoming more serious about a run after moving to Morrisville in 1999.

In 2002, with 2-month-old son Eli at home but an open legislative seat calling, he took the plunge, becoming what he described as the ''Stealth'' candidate knocking on doors, re-acquainting himself with friends from childhood and their families, and quietly winning the seat under the radar.

As all legislative leaders discover, juggling the pressing Statehouse agenda and a home life is challenging (he has two young children, and wife Melissa is a general practitioner).

''I go home almost every night,'' he said, adding that he tries to arrive in time to read to his children or at least put them to bed. ''I'm the one that gets them up in the morning, which is a real reality check.''

Things are less clear at the Statehouse, where Smith is focusing on his legislative agenda:

(1) Repairing and maintaining Vermont's transportation system—the roads and bridges;

(2) Expanding and improving telecommunications (computer broadband) in rural areas;

(3) Strengthening Vermont's public education system; and

(4) Trying to close the gap in educational performance between students on the lower economic scale and their wealthier peers—a disparity consistently documented in national and state school test scores.

Hanging over those priorities is the staggering challenge of trying to balance the state budget in dire economic times, with the state hemorrhaging red ink. It is, he said, a task that ''keeps me up at night.''

''How do you balance being fiscally responsible with meeting the needs of the state?'' he asked rhetorically. And while not completely unexpected, the economic challenge has been ''worse than some of us thought it would be.''

Returning to the place he was raised, meeting and re-meeting neighbors, old friends and classmates, and watching his children grow up in the same area he did seems to drive Smith's political vision.

''I want to make sure we put in place policies that allow the next generation to have the opportunities that I did,'' he said.

REMEMBERING AL MYERS

Mr. LEAHY. Madam President, I am both proud and saddened today to salute Mr. Al Myers, a beloved teacher at Williston Central School in Vermont who recently passed away after being injured while working on the set of a school play. Mr. Myers was best known as a popular educator who was remembered by former school principal Lynn Murray as being ''brilliant with children.'' As a U.S. Senator, I remember Mr. Myers bringing students to Washington, DC every year. He truly wanted them to understand the importance of living in the world's greatest democracy.

In memory of Mr. Myers, I ask unanimous consent that the following memorial article, by Matt Ryan of the Burlington Free Press, be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Apr. 27, 2009]

MYERS' DEATH MOURNED

(By Matt Ryan)

WILLISTON.—Parents, students and teachers at Williston Central School are mourning the death of a popular educator who fell from a ladder and suffered a severe head injury while working on the set of the school's production of ''The Wizard of Oz.''

Al Myers was found in the auditorium Friday morning and transported to Fletcher Allen Hospital where he underwent surgery. He died Saturday morning, according to the school.

Julie Longchamp, the producer of the school play, worked with Myers for 20 years.

''He was an extraordinary man with a lot of passion,'' Longchamp said. ''Everyone has come together and we're going to be putting Al's show on.''

Longchamp prepared for the play near Myers' desk, in their office at the school Sunday evening. In the auditorium, parents and students quietly worked on the play's set and costumes, the Emerald City and Glinda's pink dress. Tickets for the show, which is scheduled for this weekend, sold out April 1.

''The play the Wizard of Oz will go on as scheduled under the direction of Julie Longchamp,'' principal Walter Nardelli wrote in an e-mail to parents. ''Al and his family would have wanted it that way.''

Counselors will be available today for students, and staff will attempt to keep the day as normal as possible, Nardelli said. He encouraged children to go to school. Students were on break last week.

The school was coordinating with Champlain Valley Union High School to support former students who worked with Myers, Nardelli said.

Myers had directed many theater productions over the years. Former students and parents of students posted thoughts about the teacher on several Facebook pages dedicated to his memory. They wrote about working with Myers on plays like, ''Annie Get Your Gun,'' ''Fiddler on the Roof'' and ''Macbeth,'' and catching his infectious love for music and theater.

''Mr. Myers was a wonderful teacher who took me under his wing as he did to so many others,'' David Stephens of Burlington wrote. ''I remember the sing-a-longs that he had in class where he would pull out his guitar and would have 100 percent participation because it was so much fun. I can still remember a bunch of the songs we would sing, 'Feeling Groovy,' 'Blowin' in the Wind.' ''

Former Williston Central School principal Lynn Murray remembered Myers being ''brilliant with children.''

''In my entire career, I have never met anyone with so much heart, so much talent and so giving a nature,'' Murray wrote.

According to one Facebook page, a celebration of his life will be held at noon, May 16 at the Williston Central School. As of 9 p.m. Sunday, more than 450 people joined the ''In Memory of Al Myers'' Facebook page.

''He's going to be a very, very missed man,'' Longchamp said.

AMERICAN CITY QUALITY MONTH

Ms. SNOWE. Madam President, I rise today to recognize that the month of April is designated as American City Quality Month. Through the continued efforts of the American City Planning

Directors' Council and the American City Quality Foundation, ACQF, the April 2009 theme is appropriately labeled, ''Support Planning and Action for Better Quality Communities.'' For many years the emphasis promoted by the ACQF and its numerous professional organizations and supporters has been to call attention to the vital need for improving American cities through quality planning—via coordinated efforts to produce effective decisions, design, development, management, and action.

As our country's population growth projections appear to reach an additional 34 million people by the year 2020, the importance of proper urban planning as it relates to area surroundings, land conservation, and quality of life becomes a crucial component of the United States' strategy to halt urban sprawl and the waste of both human and fiscal resources. Subsequently, through the devoted work, development, and planning of the ACQF and interested parties, the recognition has surfaced—that coordinated efforts on the part of city, State, and Federal governments, and the private sector need to be exacted more than ever. Such a critical mission must continue until there is mainstream coordination throughout the nation to improve our country's urban settings in terms of cultural, practical, and land conservation amenities.

Therefore, through the efforts of the American City Planning Directors' Council, the American City Quality Foundation, and other interested parties, I thank all who have joined together to address the challenges posed by our burgeoning cities, as the integration of efforts has and will continue to provide us with a plan and hope for the future that assures quality growth for our Nation's urban settings. The ACQF's mission toward reaching that goal has secured both the attention and admiration of the American public.

TRIBUTE TO ADMIRAL ROBERT E. PEARY

Ms. SNOWE. Madam President, I rise today to pay tribute to the 100th anniversary of ADM Robert E. Peary's discovery of the North Pole—a truly exceptional accomplishment. It was a hundred years ago this month that Peary and his men completed their epic journey through the Atlantic and placed the American flag on the North Pole, marking the historic discovery. And as we commemorate this landmark occasion, the State of Maine has much to celebrate with the lasting legacy of Admiral Peary and all that he has done for our State, Nation, and the world.

Born in Cresson, PA, in 1856, Peary hailed from a long line of Maine lumberman and spent most of his formative years in southern Maine with his mother, following the passing of his father. In 1877 he graduated from Bowdoin College in Brunswick, ME, after studying as a civil engineer. Commissioned as a lieutenant in the Civil Engineer Corps of the Navy in 1881, he went on to complete projects in Florida and Nicaragua, gaining an expertise that developed his love for the Arctic. Peary made his first expedition to Greenland in 1886 and for the next 23 years, he honed his skills and refined a deft intellect and acumen for the north seas, preparing him for his quintessential journey.

Although there are myriad contributions we could recognize, it is his adventure begun on July 6, 1908, that we most honor as Peary and his men sailed northbound in his ship, the Roosevelt whose plans he developed on Eagle Island in Casco Bay and which was built in Bucksport, ME. I might add! Having arrived at Ellesmere Island with 23 men, 133 dogs, and 19 sleds, on March 1, 1909, Peary set off for the final leg of his journey. For 37 days, they rode by sledge through one of our planet's most hostile environments. And it was on April 6, 1909, when Peary achieved his lifelong dream and history was made as he and his five colleagues were the first to step foot on the barren North Pole.

Although it may be easy to forget some of the challenges that Peary and everyone on his expedition endured, organizations such as the Friends of Peary's Eagle Island and the Peary-MacMillan Arctic Museum at Bowdoin College have captured this storied history, providing crucial educational tools for all of our citizens, young and old, as we seek to learn more of the expedition's triumphs on this centennial anniversary. Indeed, the State of Maine and her people have much cause for pride as we celebrate Admiral Peary's contributions this month, honoring a phenomenal milestone.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I both work out of the home. He is a biology teacher at a high school in Nampa, and I work part-time for a utility company. I work because I have to, but I work as little as I can because raising moral children is the better thing to do. We love Boise! Our home is about equal distance from our jobs, but in opposite directions. I go east; he goes west. Recently, I have approached my employer to allow me to work three full days a week instead of five shorter days. This is solely to save on the expense rising gas prices have on our budget. With the costs of gas, food, electricity going up, we are in a tough spot. I have been with my employer for 8.5 years, and my pay is maxed out. I must rely on a cost-of-living adjustment at the beginning of the new year, but since that is never a guarantee, it is not included in our budgeting plans until it happens. My husband is in his fourth year of teaching, and teachers' pay? Well, you know how bad that is. He will receive an increase in his yearly salary of $750 this year (for a total salary of just $31,750), hardly enough to compensate for those rising costs previously mentioned. (What is been most troublesome to me lately is that an individual my father associates with gets $36,000 a year in Social Security benefits for ''psychological'' reasons—most likely a result of years of drug use—and she spends $50/day on marijuana. So while the state government does not even pay my husband enough to provide for a family, they are giving an extra $4,000/year to support another person's drug abuse.)

The situation regarding higher gas prices is leading us to look into carpooling, keeps us from going out as much, and is a deterrent to buying a mini-van (we will try to squeeze three car seats into the back of our sedan when our third child is born). Several months ago, I considered biking to work; but with the traffic in Boise, I am fearful that I might be hit, and do not want to leave two children motherless. I would like to see more people carpool, or take other forms of transportation. Americans take energy for granted and in the past, have not been the least bit concerned about the impact of their selfish choices. I also looked into a bus route, but none runs very close to our home. In fact, the nearest pick-up is still several miles away.

What should America do? I do not know. Several months ago, I thought a gas ration would force conservation. Sometimes people need to be made to do what they will not willingly do themselves. Nuclear? I am concerned about the waste. Our own sources of oil? I guess I view them like I view my savings account—a reserve for emergencies. Using more of our own resources is a resort if/when we find that conservation is not effective enough. Conservation incentives? Seems that it would be rather hard to enforce, and many do not have the money to buy efficient upgrades. However, building requirements allowing only the construction of energy efficient homes might be a good start. If I am not mistaken, they generally use about 30% less power than a non-energy star home.

I think the only solution is a combination of solutions on a combination of problems. Sometimes you just have to fix everything at once—it is drastic, but the only way to make real change—even for the government. I do not have all, or even any of the answers, but a few brilliant minds, or even a few people who care, could figure it out together.

CHERIS, *Boise*.

You wanted to know how the rising cost of fuel is affecting me and my family. We, as of

March, bought a window covering franchise servicing Nampa, Caldwell, Star, Middleton, Mountain Home, while we live in East Boise. Our business is to take the choices to the customer in their home so we are on the road constantly. If the problem of rising fuel on a mobile business is not obvious, I can draw a picture. My costs of doing business increases with gas prices, with will affect me and the value my customers can receive. If this continues, it will make doing business very, very challenging. It is especially frustrating knowing that the reserves are available in this country and our elected officials are toying with our lives the way you are. Caps and windfall taxing is not the answer; get serious!

On another issue, I had to get into my own business because after 24 years at Micron my mid-management level job was eliminated to off-shore outsourcing, which again, our government has set the stage to make doing business overseas more attractive than doing business at home.

Good luck. I think if the [conservatives] would make more noise in the public about real solutions the public would force the liberals to made positive productive energy solutions occur. ''We the people'' are not stupid. Get the issues in front of us and those holding up progress will be removed.

KEN, *Boise*.

[My hometown] is based around farming. I can tell you that my son did work for a farmer locally and was laid off. The farmer could not afford to pay him or even raise his normal crop this year due to fuel prices, which has forced my Son to become dependent on me. I have no choice but to retire from my job next year due to poor health. With my loss of income to the household and the ever-rising fuel costs putting a hardship on everything, I see my middle-class family and me selling off everything and moving to skid row and being on welfare since fuel costs are driving down employment and raised the cost on most everything in this area. There are lots of stories like this one around here. And a lot of people in this community feel that the government is doing next to nothing to help. I see our nation in serious trouble if action is not taken now to solve soaring fuel costs.

I do not know if I have a specific or particular story about the impact of gas prices on me and my family. I am retired and on a fixed income. You talk about the impact of gas prices, and I say yes, I have become $50 a month poorer and will soon be $100, without any increase in income. but it is not just about my personal use. There is a financial impact in a hundred other ways. All food and other services are going up at the rate of 8 cents per item per week. As trucking firms and truckers go out of business and we have heard that a third of the nation's truckers have, we will see costs continue to increase. I used to consider myself to be middle-income but am now in poverty. I cannot afford to heat or cool my home buy good food, enjoy entertainment or visit friends anymore. If I was spending any money and someone was making some, that will stop. It seems that everyone's only solution is to raise prices causing us to buy less and less.

This is going to spiral into another great depression. [We] have got to open up our oil reserves. Allow states to get the oil we know we have. I am for a clean environment but none of those environmental lobbyists is going to vote you out of office because you allow drilling. There are way more people who want fuel. We know that cheap fuel sources are just around the corner. I guess I am just lucky I have a Geo to drive or I could not go anywhere. which reminds me I cannot drive my comfortable cars trucks and definitely not my motor home. I cannot sell them either as no one can afford fuel for them. I guess that means we can just scrap ¾s of American vehicles just like that because no one can invent a better one and no one can afford to buy it if they did.

Thanks.

ZACK, *Burley*.

Well I suppose I am one of those few, but, hopefully, growing renegades who believes that $4 a gallon is one of the best things to happen to the environmental world in recent history.

Cars and oil-run machines are here and we need them. But this increase in fuel costs has spurred all kinds of new ideas and technologies that need money and research. I hope that some of these new technologies will wean us away from the old fossil fuel standbys, and guide us toward new, sustainable fuel sources.

I recently heard a few, very promising things about algae farms that produce clean bio-fuels. They would not decimate the food source or encourage more soybean crops in the Amazon rain forest. Wind farms are growing and solar energy is actually being talked about. Here in Idaho, as you know, the wind blows and the sun comes out in late May and does not go back in until mid-September. These alternatives will not supply 100 percent of our power needs but 30 percent? 40 percent? I keep hearing all or nothing—we need something that will be omnipresent. But in the summer if we reduced 30 percent or 40 percent of our power needs would not that cut our fossil fuel needs too? Solar and wind also work in the winter—and if these industries received some of the huge subsidies that oil companies keep getting, would not they be, perhaps with more research, more sensitive and more productive?

I have read where most domestic oil drilling would not start producing anything for another ten years. Just imagine what ten years of research and development of alternatives could produce with all the energetic imagination that is going on right now. In ten years we might not even need that oil and those newly drilled areas would all be for not. And I think with all those profits the oil companies seem to be making, they could spare a few bucks of subsidies.

Locally, I still see all these expensive houses high in the hills of the Treasure Valley baking in the sun with hardly a solar panel to be found. The transportation situation is stagnant with a growing population and no alternatives to avoid vehicles. There is no interstate train service to or from here, and the public transportation in this valley is rather pathetic. The legislature keeps voting down any kind of local option tax and the possibility for any kind of light-rail seems like decades away.

I ride my bicycle just about everywhere, here in Boise. I see so many more people riding bikes and I think that is so cool. I have also been getting pretty excited by all the innovations I am starting to see out there, glimpses of new and wonderful alternatives to fossil fuels. But I keep hearing the big voice of government saying it will not work, this cannot be done and that cannot be done. But the idealist in me says it can. We are a smart enough country to deal with this in a wise and imaginative way. I know that if we start to let go, a little, of what we have been beholden to for so long, and open our minds to all possibilities then good things will start to happen.

JAY, *Boise*.

Simply put, I believe we should begin additional drilling immediately off our coasts, in the Rocky Mountains and ANWR. I also support flex fuels/bio diesel alternatives. We need to build nuclear power plants right away (I support doing this in Idaho; it would be nice if Idaho was energy independent and exporting power to other nearby states!) Please pass on the urgency of doing this expeditiously as it is essential to our national security.

Thank you for the ''i-meeting'' town-hall forum as it helps Idahoans save gas and conserve as well as participate in this very important process! As a voting Idahoan, I also believe in conservation, thrift, and responsible stewarding of our beautiful state.

TERESA.

We own a small business here in Idaho. We were looking forward to having our SBA loan paid off this year. The SBA payment has been as high as $2,200 per month, which at times has been a struggle, but we have managed to pay it off in the ten-year time frame. We are now fearful that we will be switching from paying an SBA loan payment to just paying for gas to survive. Our gas bill used to be $300 to $500 per month. It has now soared to over $2,000 per month. Tell us how we are going to stay in business? By the way, I have heard that the wind generators by Mountain Home are not working. Is this true and why?

STEPHEN and TERRY, *Mountain Home*.

It is not so much that the prices have risen. I understand the supply/demand concept. But what really irks me is that fact that the big oil companies are recording record profits and using the excuse that this will get them through the hard times or they need it for research to find more efficient fuel sources. I do not believe this. It has been quietly insinuated in the past of oil companies buying out any new fuel idea to keep their monopoly on the industry. They really do have a monopoly on the U.S. economy fuel source, and we have no recourse except to try and minimize our fuel use. We have done this by cancelling vacations and even short trips in the area. We also are going to the store less, planning each trip so that we can accomplish the most in one driving trip. The people with lots of money will feel the effects minimally but the middle to lower class are taking the brunt of this crisis. I do not think those with money (higher elected officials) have any idea the difficulties that we are encountering because they do not live that life. Walk in the shoes of some of us for a month and then see what is important and what is not.

I really do not see how drilling for more oil (like in Alaska) will make any difference when the oil companies use the excuses listed above. They are still going to get the highest dollar amount they feel they can get away with. The only way the price will change is if demand drops below what is on the market. But then, the oil companies can determine what is on the market (hold back their product) to keep the prices higher. Unless they are regulated in some way, they can do whatever they want.

TERRIE.

I just got back from a vacation in Yellowstone National Park, and the traffic was the worst I have ever seen in about 50 trips to the park. It was probably more due to timing than anything, but it still indicates that gas prices are relatively low for the middle class. I am more concerned about the affect of energy prices on lower income individuals.

In the long run, we need to focus on other issues, and improved energy costs will probably be an important side effect. The issues I would focus on are:

1. Too much traffic on our highways and city streets.
2. Too much crime in our cities.

3. Too much environmental impact from mining, drilling for oil and gas, and wind farms.

4. Too many farms being subdivided to build houses.

5. The ''nuclear waste problem'' and ''nuclear proliferation problem'' are not being addressed realistically.

If we take the obvious actions to solve these problems, there will be less pressure on energy prices:

1. Invest in public transportation. The federal government has spared no expense in improving highways over the past 50 years. Imagine the effect of an equal investment in train and bus service. I have ridden on buses all of my life, and it can be a nice way to travel or commute. The few trains I have ridden were also very comfortable and convenient. This has much more potential to save energy than hybrid cars or hydrogen powered fuel cells. A small van has the potential to provide hundreds of passenger miles per gallon of gas. Buses and trains should do even better.

2. Invest in ride sharing and car pooling.

3. Invest in nice cities. People should be able to live comfortably, with no fear of crime, within walking distance to work.

4. Invest in maintaining farm land as farm land instead of using it to create sprawling suburbs full of oversized houses.

5. Put a limit on the tax break for a first home. Eliminate the tax break for a second home. For one thing, I am sick and tired of hearing how rich celebrities are so ''green'' and have such a small ''carbon footprint'' when I know most of them own multiple, grossly oversized, tax-subsidized homes.

6. Invest in nuclear power. The public should be demanding better performance from the nuclear industry just like they do from the airline industry. We want airlines to operate on schedule, cost effectively, and operate safely, even with the security concerns raised by 9/11. We should be demanding similar performance from the nuclear industry and stop fretting about perceived problems.

With respect to the ''nuclear waste problem'', there is no reason to relate performance requirements to the half-life of long lived radionuclides. There is no reason to treat plutonium contamination as fundamentally different from other toxic metals such as lead, which have infinite half-life. In reality the biggest nuclear waste problem is probably our 700,000 metric tons of depleted uranium hexafluoride currently stored in corroding carbon steel cylinders. This volatile ''waste'' material is a serious environmental hazard, but should be managed as a major resource. It could be transmuted into plutonium in nuclear reactors and used to produce all the energy we need for the next 500 years. No mining, drilling, or refining would be needed. This would help eliminate the fantasy that we need to cover our landscape with windmills that do not even work most of the time.

With respect to nuclear proliferation, the only way to go is forward. The USA needs to lead the way in developing cost effective nuclear energy technology, so that less stable countries have no reason to develop their own technology. Then we will not need to worry about whether they are producing weapons grade materials. Improved technology should include reprocessing spent nuclear fuel. We should reprocess it instead of trying to bury it. Currently, it is self-protecting due to high radioactivity, but it will not be in about 200 years. We should not leave this hazard for future generations.

The public needs to be educated about energy. The general public has virtually no understanding of nuclear power, and they seem to be generally illiterate with regard to energy issues. Hydrogen-powered vehicles are unrealistic and do not make thermodynamic or economic sense. Windmills and solar panels have limited potential to reduce energy costs and major environmental impact if we try to push them beyond their potential. The idea that the world can just keep building more efficient cars and more roads is shortsighted and unrealistic. The idea that you can be ''green'' when your house in the suburbs is four times bigger than you need is ridiculous. Carbon credits are ridiculous. Turning food into alcohol for fuel is ridiculous.

DAN, *Pocatello*.

ADDITIONAL STATEMENTS

TRIBUTE TO LIEUTENANT GENERAL CLYDE A. VAUGHN

• Mr. BOND. Madam President, I offer my congratulations and gratitude to an extraordinary citizen-soldier from Missouri, LTG Clyde A. Vaughn. Lieutenant General Vaughn's 35-year career with the Army National Guard will draw to a close after completing an impressive 4-year tour as Director of the Army National Guard.

Lieutenant General Vaughn has earned the appreciation of our Nation and the State of Missouri for his extensive commitment to the Army National Guard. He began his distinguished career in 1974 when he was promoted to second lieutenant in the Missouri Army National Guard, beginning a 35-year career of dedication, accomplishments, and vision.

In his most recent position as Director, Lieutenant General Vaughn was responsible for the formulation, development, and implementation of all programs and policies affecting the Army National Guard. Previously, he served as Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters, at the Office of the Chairman of the Joint Chiefs of Staff in the Pentagon where he helped guide the Nation's response to the 9/11 attacks and transform the Army National Guard from a strategic reserve to an operational force. Prior to his work at the Pentagon, some of his assignments included serving as Senior Army National Guard Advisor for Reserve Affairs, Commander of Exercise Support Command, and Deputy Chief of Staff for Reserve Affairs-National Guard, at United States Army South, Fort Clayton, Panama. He has also served as Chief of Operations Division, at the Army National Guard Readiness Center in Arlington, VA, Deputy Chief of Staff, of the G3 at the Pentagon, and, Deputy Director, of the Army National Guard, at the Army National Guard Readiness Center in Arlington, VA.

His civilian education includes a bachelor of science in education from Southeast Missouri State College and a masters in public administration from Shippensburg University in Pennsylvania. His military education includes graduating from the U.S. Army Command and General Staff College, Fort Leavenworth, KS, and the U.S. Army War College, Carlisle Barracks, Pennsylvania.

General Vaughn received several awards and recognitions for his exemplary service. His many military awards include the Distinguished Service Medal; the Defense Superior Service Medal; the Legion of Merit, with four Bronze Oak Leaf Clusters; the Meritorious Service Medal, with one Silver Oak Leaf Cluster; the Army Commendation Medal; the Army Achievement Medal, with one Bronze Oak Leaf Cluster; the Joint Meritorious Unit Award; the Army Superior Unit Award; and various other awards.

He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration. I offer my congratulations and sincere appreciation to LTG Clyde A. Vaughn for his remarkable achievements in the Army National Guard. He has continually provided an invaluable service to his country, and we thank him for ''showing us'' what a dedicated soldier can do for Missouri and for his country.•

TRIBUTE TO CHIEF DAVID BALD EAGLE

• Mr. JOHNSON. Madam President, I wish to speak today to honor the 90th birthday earlier this month of my friend, Chief David Bald Eagle of Takini, on the Cheyenne River Reservation in South Dakota. Chief Bald Eagle was born on April 8, 1919, on the west banks of Cherry Creek in west central South Dakota. He is the grandson of Chief White Bull who fought Custer's 7th Cavalry in the Battle of Greasy Grass Creek, better known as the Battle of the Little Big Horn. Having a warrior spirit in his blood, he enlisted in the U.S. Army and was just being discharged at the beginning of World War II. He reenlisted, and served as a sergeant with the 82nd Airborne Division. In 1944, he was among those brave soldiers who jumped from planes on D-day as a U.S. Army paratrooper. Chief Bald Eagle was shot four times that day, and his story is recounted in ''Blue Stars: A Selection of Stories from South Dakota's World War II Veterans'' compiled by Greg Latza.

Upon return, Chief Bald Eagle went on to travel as a performer and has acted in at least 18 movies to date. While in Hollywood, Chief Bald Eagle worked alongside some of the most recognizable actors and actresses of that time: Clark Gable, John Wayne, and Marilyn Monroe. All the while he managed to stay connected to his home. For more than 60 years, Chief Bald Eagle has annually participated in the Days of '76 parade and rodeo in Deadwood, SD, providing the many thousands of people who attend the annual event a level of understanding and education about the Native American culture and heritage and the great impact

of the Lakota/Dakota/Nakota people on the region. He is recognized as an honorary member of the Days of '76 Committee because of his contributions to their events. In 2008, he was honored by the South Dakota State Legislature with a House Commemoration honoring his life, character, and achievements.

Madam President, Chief David Bald Eagle is a dear friend, and I appreciate being among those special people that he keeps in his prayers. I will never forget that he gave me my Lakota name several years ago in a special ceremony, ''Wacante Ognake,'' which means holds the people in his heart—a name I cherish and will never forget its importance.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1746. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

H.R. 1747. An act to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 99. Concurrent resolution supporting the goals and ideals of a National Early Educator Worthy Wage Day.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1746. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1747. An act to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 99. Concurrent resolution supporting the goals and ideals of a National Early Educator Worthy Wage Day; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 28, 2009, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 39. An act to repeal section 10(f) of Public Law 93–551, commonly known as the ''Bennett Freeze''.

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1426. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Penoxsulam; Pesticide Tolerances'' (FRL–8411–9) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1427. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Poultry Improvement Plan and Auxiliary Provisions; Correcting Amendment'' (Docket No. APHIS–2007–0042) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1428. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Table Eggs From Regions Where Exotic Newcastle Disease Exists'' (Docket No. APHIS–2007–0014) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1429. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2'' ((Docket No. AMS–FV–08–0094)(FV09–948–1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1430. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Decreased Assessment Rate'' ((Docket No. AMS–FV–08–0095)(FV09–920–1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1431. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Change to Fiscal Period'' ((Docket No. AMS–FV–08–0066)(FV08–930–2 FIR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1432. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulations Under the Perishable Agricultural Commodities Act, 1930; Section 610 Review'' ((Docket No. AMS–FV–08–0013)(FV08–379)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1433. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements'' ((Docket No. AMS–FV–08–0090)(FV09–966–1 FIR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1434. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008–09 Crop Natural (Sun-Dried) Seedless Raisins'' ((Docket No. AMS–FV–08–0114)(FV09–989–1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1435. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Appalachian and Southeast Marketing Areas; Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and Orders'' ((Docket No. AMS–DA–07–0133)(AO–388–A15)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1436. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009–2010 Marketing Year'' ((Docket No. AMS–FV–08–0104)(FV09–985–1 FR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1437. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit'' ((Docket No. AMS–FV–09–0002)(FV09–905–1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1438. A communication from the Deputy Under Secretary of Defense for Logistics

and Materiel Readiness, transmitting, pursuant to law, a report relative to the operations of the National Defense Stockpile (NDS); to the Committee on Armed Services.

EC–1439. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1440. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1441. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–1442. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–1443. A communication from the Acting Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Securities Held in TreasuryDirect'' (31 CFR Part 363) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1444. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(74 FR 17094)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1445. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(74 FR 16783)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1446. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(74 FR 16785)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1447. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Terrorism Risk Insurance Program; Terrorism Risk Insurance Program Reauthorization Act Implementation'' (RIN1505–AB93) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1448. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XN75) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1449. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XN83) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1450. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action'' (RIN0648–AX72) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1451. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; U.S. Navy Training in the Southern California Range Complex'' (RIN0648–AW91) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1452. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Environment and Public Works.

EC–1453. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a courtesy copy of the report of a rule entitled ''Lead; Minor Amendments to the Renovation, Repair, and Painting Program'' (RIN2070–AJ48) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1454. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota'' (FRL–8896–3) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1455. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota'' (FRL–8896–5) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1456. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Finding of Attainment for 1-Hour Ozone for the Milwaukee-Racine, WI Area'' (FRL–8895–8) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1457. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Particulate Matter Regulations'' (FRL–8897–3) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1458. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Montana: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL–8895–7) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1459. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability'' (FRL–8896–7) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1460. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of the Umpqua River, Oregon'' (FRL–8893–1) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1461. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL–8783–5) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1462. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Toxic Release Inventory Form A Eligibility Revisions Implementing the 2009 Omnibus Appropriations Act'' (FRL–8897–4) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC–1463. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 3401(h)—Differential Wage Payments to Active Duty Members of the Uniformed Services'' (Rev. Rul. 2009–11) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Finance.

EC–1464. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2009'' (Rev. Rul. 2009–12) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Finance.

EC–1465. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Credit for Residential Energy Efficient Property'' (Notice 2009–41) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Finance.

EC–1466. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to expand the sales territory associated with a manufacturing license agreement for the production of significant military equipment (SME) in Turkey; to the Committee on Foreign Relations.

EC–1467. A communication from the Acting Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of designation of acting officer and change in previously submitted reported information in the position of Assistant Administrator of the Bureau for Legislative and Public Affairs, received in the Office of the President of the Senate on April 27, 2009; to the Committee on Foreign Relations.

EC–1468. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Drug Applications and Abbreviated New Drug Applications; Technical Amendment'' (Docket No. FDA–2009–N–0099) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1469. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Astringent Drug Products That Produce Aluminum Acetate; Skin Protectant Drug Products for Over-the-Counter Human Use; Technical Amendment'' (RIN0910–AF42) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1470. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D2'' (Docket No. FDA–2007–F–0274) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1471. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Silver Nitrate and Hydrogen Peroxide'' (Docket No. FDA–2005–F–0505) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1472. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of Organization and Conforming Changes to Regulations'' (Docket No. FDA–2009–N–0144) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1473. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination in the position of Director of National Drug Control Policy, received in the Office of the President of the Senate on April 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1474. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''2008 Wiretap Report''; to the Committee on the Judiciary.

EC–1475. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, two reports entitled ''Fiscal Year 2008 Performance Summary Report'' and ''Fiscal Year 2008 Accounting of Drug Control Funds''; to the Committee on the Judiciary.

EC–1476. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to actions undertaken to address recommendations received in the fiscal year 2008 study completed by an independent Panel of the National Academy of Public Administration; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Ronald C. Sims, of Washington, to be Deputy Secretary of Department of Housing and Urban Development.

*Peter A. Kovar, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

*John D. Trasvina, of California, to be an Assistant Secretary of Housing and Urban Development.

*Helen R. Kanovsky, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

*David S. Cohen, of Maryland, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

*Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

*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.

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. HUTCHISON (for herself, Mr. MARTINEZ, Mr. CORNYN, and Mr. KYL):

S. 903. A bill to permit a State to elect to receive the State's contributions to the Highway Trust Fund in lieu of its Federal-aid Highway program apportionment for the next fiscal year, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. KERRY, Mr. FEINGOLD, Mr. SANDERS, Mrs. BOXER, Mrs. MURRAY, Mr. MERKLEY, Mr. LEAHY, Mr. SCHUMER, Mr. DURBIN, and Mr. AKAKA):

S. 904. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 905. A bill to provide for the granting of posthumous citizenship to certain aliens lawfully admitted for permanent residence who died as a result of the shootings at the American Civic Association Community Center in Binghamton, New York on April 3, 2009, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mrs. MCCASKILL):

S. 906. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BAYH, Mr. GREGG, Mrs. MCCASKILL, Mr. RISCH, Mr. UDALL of Colorado, Mr. BROWNBACK, Mr. WARNER, Mr. ISAKSON, Mr. NELSON of Nebraska, Mr. CRAPO, Mr. LIEBERMAN, Mr. BEGICH, Mr. VOINOVICH, Mr. ENZI, Mr. CARDIN, Mr. THUNE, Mr. BENNET, Mr. JOHANNS, and Mr. GRASSLEY):

S. 907. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget.

By Mr. BAYH (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. WYDEN, Mr. VITTER, Mr. BURR, Mr. FEINGOLD, Mr. THUNE, Ms. STABENOW, Mr. MENENDEZ, Ms. COLLINS, Mr. BROWNBACK, Mr. JOHANNS, Mrs. BOXER, Mr. CARDIN, Mr. RISCH, Mrs. MURRAY, Mr. GRAHAM, Ms. LANDRIEU, Mr. SCHUMER, Mr. BOND, Mr. INHOFE, Ms. KLOBUCHAR, and Mr. COBURN):

S. 908. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. LEAHY, Ms. SNOWE, Ms. COLLINS, Mr. SPECTER, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEVIN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. CARDIN, Ms. KLOBUCHAR, Mr. LIEBERMAN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. REED, Mr. NELSON of Florida, Mr. KERRY, Mr. BINGAMAN, Mr. DODD, Mr. BAYH, Mr. UDALL of Colorado, Mrs. SHAHEEN, Mr. HARKIN, Mr. BROWN, Mrs. MURRAY, Mr. CASEY, Mr. JOHNSON, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Ms. LANDRIEU, Ms. CANTWELL, and Mr. AKAKA)):

S. 909. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. MARTINEZ, and Mr. BROWN):

S. 910. A bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 911. A bill to amend the Truth in Lending Act to prohibit prepayment penalties, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 912. A bill to prohibit yield spread premiums, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 913. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

By Mr. SPECTER:

S. 914. A bill to establish an independent Cures Acceleration Network agency, to sponsor promising translational research to bridge the gap between laboratory discoveries and life-saving therapies, to reauthorize the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 915. A bill to improve port and intermodal supply chain security; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 916. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 917. A bill to provide assistance to Pakistan under certain conditions, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 918. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 919. A bill to amend section 1154 of title 38, United States Code, to clarify the additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. VOINOVICH):

S. 920. A bill to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER:

S. 921. A bill to amend chapter 35 of title 44, United States Code, to recognize the interconnected nature of the Internet and agency networks, improve situational awareness of Government cyberspace, enhance information security of the Federal Government, unify policies, procedures, and guidelines for securing information systems and national security systems, establish security standards for Government purchased products and services, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN:

S. Res. 115. A resolution recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 116. A resolution commending the Head Coach of the University of Kansas men's basketball team, Bill Self, for winning the Henry P. Iba Coach of the Year Award presented by the United States Basketball Writers Association and for being named the Sporting News National Coach of the Year and the Big 12 Coach of the Year; to the Committee on the Judiciary.

By Mr. BYRD:

S. Con. Res. 20. A concurrent resolution authorizing the last surviving veteran of the First World War to lie in honor in the rotunda of the Capitol upon his death; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. BURRIS, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 475

At the request of Mr. BURR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 518

At the request of Mr. CARDIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 518, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 527, a bill to amend the Clean Air act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

At the request of Mr. NELSON of Florida, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 535, supra.

S. 541

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 561

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 599

At the request of Mr. CARPER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department

of Defense share of expenses under the National Guard Youth Challenge Program.

S. 658

At the request of Mr. TESTER, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 731

At the request of Mr. NELSON of Nebraska, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Idaho (Mr. RISCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 795

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of nonregular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 835

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 835, a bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. KENNEDY (for himself, Mr. LEAHY, Ms. SNOWE, Ms. COLLINS, Mr. SPECTER, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEVIN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. CARDIN, Ms. KLOBUCHAR, Mr. LIEBERMAN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. REED, Mr. NELSON, of Florida, Mr. KERRY, Mr. BINGAMAN, Mr. DODD, Mr. BAYH, Mr. UDALL of Colorado, Mrs. SHAHEEN, Mr. HARKIN, Mr. BROWN, Mrs. MURRAY, Mr. CASEY, Mr. JOHNSON, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Ms. LANDRIEU, Ms. CANTWELL, and Mr. AKAKA)):

S. 909. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, hate crimes harm innocent victims, terrorize entire communities, and threaten the very fabric of our nation. They send a poisonous message that some Americans deserve to be victimized solely because of who they are or who they are perceived to be. Hate crimes offend the fundamental ideals on which Nation was founded. They can not be tolerated in any free society, and it is long past time to enact legislation to correct the deficiencies in the current federal hate crimes statute.

For far too long, law enforcement has been forced to investigate hate crimes with one hand tied behind its back. Now is the time to change this. This bill strengthens the Federal Government's ability to investigate and prosecute hate crimes. It removes the excessive restrictions currently existing in federal law. It offers Federal assistance for investigating and prosecuting hate crimes to State and local law enforcement. It provides training grants for local law enforcement to combat hate crimes committed by juveniles.

The first Federal hate crimes statute was passed over 40 years ago in 1968, soon after the assassination of Dr. Martin Luther King, Jr. It authorized the Federal Government to investigate and prosecute crimes committed against individuals because of their race, color, religion, or national origin. The original statute was a major advance in the march of progress, but it is now a generation out of date.

The time has come to stand up for all victims of hate crimes—victims like Matthew Shepard, for whom this bill is named. Matthew died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Since Matthew's murder, his mother has worked courageously to make sure that we never forget the suffering that her son endured, and to remind Congress that it has a responsibility to protect individuals like her son. Yet today, more than 10 years after Matthew's death—10 years—we still have not modernized our hate crimes laws. How long are we going to wait?

The bill we are introducing today expands the current hate crimes statute

and gives Federal, State, local, and tribal authorities greater ability to investigate and prosecute hate crimes effectively. The bill closes flagrant loopholes in the current statute that prevent or undermine the prosecution of the individuals who commit these vicious crimes.

This bill broadens the original Federal hate crimes statute by prohibiting crimes based on a victim's actual or perceived sexual orientation, gender, gender identity, or disability.

According to FBI statistics, hate crimes based on sexual orientation make up approximately 17 percent of all hate crimes. Considering that gays and lesbians make up approximately 3 percent of the population, the FBI statistics suggest that gays and lesbians are victimized at a rate approximately 6 times higher than that of the average American. Research suggests that hate-motivated violence against gay, lesbian, bisexual, and transgender citizens is particularly extreme. As these statistics and the research make clear, hate crimes are a very real danger to gay, lesbian, bisexual, and transgender citizens. We must act—without further delay—to correct these unacceptable deficiencies in current law and protect all citizens from these brutal crimes.

Our bill also increases the Federal Government's ability to prosecute hate crimes. It removes the prerequisite that a victim be engaged in a ''federally protected activity'' before the Federal Government can prosecute an offender under the statute. This restrictive provision is outdated, unwise, and unnecessary, particularly when one considers the unjust outcomes that can result from limiting prosecution to offenders to target victims participating in one or more of the following 6 narrow categories of federally protected activity: attending or enrolling in a public school or public college; participating in a benefit, service, privilege, program, facility or activity administered by a state or local government; applying for or working in private or state employment; serving as a juror in a state court; using a facility of interstate commerce or a common carrier; or enjoying public accommodations or places of exhibition or entertainment. We know that individuals may be victimized while engaging in activities that are not included in this list of activities—they could be victims while engaging in routine activities, going about their normal day. Americans should be protected from hate crimes in everything they do. There should be no distinction between hate crimes occurring while a victim is engaged in a routine activity or one of the six specified federally protected activities described above.

This bill corrects a gap in the current hate crimes statute that limits prosecution to offenders who interfere with a victim's participation in certain federally protected activities. In June 2003, six Latino teenagers went to a family restaurant on Long Island. The teenagers knew one another from involvement in community activities and have come together to celebrate a birthday. As the group entered the restaurant, three men who were leaving the bar assaulted the teenagers, pummeling one boy and severing a tendon in his hand with a sharp weapon. During the attack, the men yelled racial slurs and one identified himself as a skinhead. Two of the men were tried under the current Federal hate crimes law and were acquitted. The jurors said they acquitted the offenders because the Government failed to prove that using a restaurant was a federally protected activity. The result in this case is just one example of the inadequate protections provided under current law. The bill we introduce today will eliminate the federally protected activity requirement and give jurors greater ability to convict all perpetrators of hate crimes.

The bill modernizes the Federal Government's ability to prosecute hate crimes, but it fully respects the primary role of state, local, and tribal law enforcement authorities in responding to hate crimes in their jurisdictions. The bill protects these local interests with a strict certification process, which requires the Federal Government to consult with state and local officials before prosecuting a Federal case. In accord with certification, it is our belief that the vast majority of hate crimes will continue to be prosecuted at the State and local level.

In addition, our bill authorizes the Justice Department to increase the number of Department personnel to prevent and respond to hate crimes. This increase will enable Federal authorities to develop the manpower necessary to act effectively to prevent and respond to hate crimes.

The bill also authorizes the Justice Department to provide needed investigative resources to state and local law enforcement during these challenging economic times. This expansion of federal assistance is meant to supplement, not supplant, the efforts of state and local law enforcement authorities, so that hate crimes can be effectively investigated and prosecuted in the future.

Hate crimes investigations tend to be expensive, requiring considerable law enforcement effort, and extensive use of grand juries. The bill expands the Justice Department's opportunity to provide support for these expenses. It authorizes the Attorney General to offer grants of up to $100,000 to help state, local, and tribal law enforcement officials manage the high costs of investigating and prosecuting hate crimes. It also authorizes the Justice Department to award grants to State, local, and tribal authorities for programs that combat hate crimes committed by juveniles, including programs designed to train local law enforcement officers in identifying, investigating, prosecuting and preventing hate crimes. These measures will help ensure that state and local authorities have the resources necessary to successfully combat and prosecute hate crimes.

Collecting data on hate crimes is important for analyzing crime trends and tailoring effective criminal policy. Our bill increases the Federal Government's ability to monitor hate crimes by requiring the FBI to increase the statistics it collects about such crimes. Currently, the FBI collects hate crimes data on race, religion, sexual orientation, ethnic background, and disability. Our bill requires the FBI to collect new statistics on hate crimes based on an individual's gender or gender-identity, and hate crimes committed by juveniles. By increasing the amount of data collected by the FBI, we will be able to better understand the gravity of the hate crimes committed in our communities.

Hate crimes are a festering problem, causing terror in neighborhoods across America. According to the most recent statistics released by the FBI, there were at least 9,527 victims of hate-motivated crimes in 2007. Based on that number, an average of 26 victims per day were terrorized as a consequence of their race, religion, sexual orientation, ethnic background, or disability. The FBI's statistics reveal that race-related hate crimes are the most common type of hate crimes, comprising approximately 50 percent of all hate crimes reported to the FBI. That said, crimes based on religion, sexual orientation, and ethnic background occur with alarming frequency as well.

These hate crimes statistics are disturbing, but they represent only the tip of the iceberg of hate crimes occurring in America. The Southern Poverty Law Center, the Human Rights Campaign, and the US Bureau of Justice Statistics agree that the FBI's hate crimes numbers do not reflect the actual number of hate crimes occurring in our communities each year. The Southern Poverty Law Center estimates that the annual number of hate crimes committed in the U.S. is close to 50,000. In addition, the Human Rights Campaign states that a hate crime occurs every 6 hours. Survey data from the Bureau of Justice Statistics' biannual National Crime Victimization Survey estimates that an average of 191,000 hate crime victimizations take place each year. Based on this survey, over 540 people are victimized each day, based on their race, religion, sexual orientation, ethnic background, or disability—more than 22 victims per hour. These statistics are not just shocking—they are shameful. It is time for Congress to specifically address the serious problem of hate crimes in America.

In addition to the legal impact of this bill, its symbolic impact is equally important. This bill emphasizes the devastatingly unique nature of hate crimes. It says we recognize that hate crimes provide aggressors with the means to attack an entire community

through a single act of violence, and send a message of fear that vastly transcends the immediate crime and its victim. It shows we understand that hate crime offenders should be prosecuted for committing a crime against an entire community. After so many years of inaction, we in Congress have an obligation to demonstrate that we understand how hate crimes affect our nation's communities.

It takes only a brief survey of any major news outlet to find horrifying stories of hate crimes and the inability of law enforcement to prosecute offenders for their acts of hate. The 1999 murder of four women in Yosemite National Park graphically illustrates the need to include gender in our hate crimes statute. These four women were murdered by a man who admitted having fantasized about killing women for most of his life. These women lost their lives for one reason—because they were women. We need to send a clear message that we will not accept such acts of hate. Without this bill, however, such a crime cannot be federally prosecuted as a hate crime.

Gender identity must also be included in our definition of those characteristics protected by a hate crimes statute. Many are familiar with the story of Brandon Teena, who was raped and beaten in Humboldt, Nebraska in 1993 by two male friends after they discovered that he was living as a male but was anatomically female. The local sheriff refused to arrest the offenders, and they later shot and stabbed Brandon to death.

A more recent, less well-known incident occurred when Fred C. Martinez Jr., a Navajo transgender youth, was murdered while walking home from a party. Fred was killed for one reason alone—because he was a transgender youth. By passing this bill, the Senate will send a strong message that hate crimes based on sexual identity are unacceptable and perpetrators of such crimes will face tough criminal penalties under Federal law.

Hate crimes against disabled Americans are very disturbing and deserve protection at the Federal level as well. In October 2002, two deaf girls, one of whom was wheelchair bound due to cerebral palsy, were harassed and sexually assaulted by four suspected gang members in a local park. The girls were attacked because they were disabled and unable to defend themselves. Although the alleged perpetrators were prosecuted, the assaults could not be charged as hate crimes because no State or Federal protections for disability-based hate crimes existed in Federal or State law. This must change.

These are only a few examples of the hate perpetrated against individuals in America based on their sexual orientation, gender, gender identity, and disability. We can no longer allow any of these communities to live in fear. Crimes based on an individual's sexual orientation, gender, gender identity, or disability must be prosecuted for what they are—crimes of hate.

Individuals should not only be protected from hate crimes because of their actual characteristics; they must also be protected from hate crimes based on the inaccurate perceptions of others. Last year in Brooklyn, New York, Jose Sucuzhanay was walking arm in arm with his brother, Romel Sucuzhanay, after attending a church party. According to officials, about half a block from Jose's home, a black sports utility vehicle drove by and the two men in the vehicle began shouting what witnesses described as vulgarisms against Hispanics and gay men. The car stopped and one of the two men approached Jose and smashed a beer bottle over the back of his head. The other man then took an aluminum baseball bat from the rear of the vehicle and repeatedly struck Jose on his shoulder, ribs, and back. Once Jose fell to the ground, he received several full-forced, crushing blows to his head with the aluminum baseball bat. Jose, a father of two and local real estate agent, died 5 days later because of the hate-motivated attack. He did not deserve to lose his life because he was perceived to be gay. That is why the bill we are introducing today criminalizes crimes based on the perceived characteristics of a victim.

We also know that hate crimes covered by current Federal law—based on race, religion, national origin, and color—still occur and must be prosecuted. Following the 2008 presidential election, three men in New York went on a rampage attacking African-American residents of Staten Island in response to the historic election of President Barack Obama. The men attacked one 17-year-old African-American man with a metal pipe and collapsible baton. They attacked another African-American man by pushing him to the ground. They assaulted still another man, whom they mistakenly believed was African-American, by mowing him down with a car while yelling racial epithets at him. Clearly, this demonstrates that race-based violence is continuing at an unacceptable level, and we must act to help law enforcement more vigorously deal with hate crimes.

Hate crimes legislation has the support of President Obama, a majority of Congress, 26 State Attorneys General, and a broad coalition of law enforcement, civic, religious, and civil rights groups. Recent history shows that Congress is ready to make hate crimes legislation into law. In 2007, the Senate voted 60 to 39 in support of a similar hate crimes bill. An equally powerful statement was made by the House when it voted 237 to 180 for the hate crimes bill introduced that year. As a Senator, President Obama voted to support hate crimes legislation. Now, as President, he has included the expansion of hate crimes in his civil rights agenda. The political will of our Nation is clear—it is time for this bill to become law.

Over 300 law enforcement, civil rights, civic, and religious organizations have endorsed our bill, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, and the Interfaith Alliance. All these diverse groups have come together to say that now is the time for us to protect our fellow citizens from the brutality of hate-motivated violence. They strongly support this legislation because they know it is a balanced and sensible approach that will bring greater protection to our citizens, along with much-needed resources for local and State law enforcement fighting hate crimes.

Passing this bill will send a message, loud and clear, that those who victimize individuals because of their race, color, religion, national origin, sexual orientation, gender, gender identity, or disability will go to prison. In addition, passing this bill will provide Federal, State, local, and tribal authorities with stronger means to prosecute crimes of hate. It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill become law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill. Now is the time to stand up against hate-motivated violence and recognize the shameful damage it is doing to our Nation.

Mr. LEAHY. Mr. President, this is National Crime Victims' Rights Week—a time when communities in Vermont and across the Nation recognize the needs of crime victims, and work together to promote victims' rights and services. There is no more important time than now to renew our commitment to address the needs of crime victims and their families.

Today, I am pleased to join Senator KENNEDY, Senator COLLINS, and more than 30 other Senators from both sides of the aisle to reintroduce the Matthew Shepard Hate Crimes Prevention Act of 2009. This is a bipartisan bill designed to combat crimes that have long terrorized communities and remain a serious problem in this country. This legislation is a matter of simple justice. It is past time for Congress to enact this bill and strengthen the Federal Government's role in preventing and punishing crimes motivated by hate.

I commend Senator KENNEDY for his leadership over the last decade in working to expand our Federal hate crimes law, and I am proud to once again be an original cosponsor of this legislation. A bipartisan majority of

the Members in the House of Representatives voted to pass this legislation in the last Congress. Unfortunately, there were partisan attempts to filibuster and prevent passage of the Senate bill. The measure was ultimately attached to the Department of Defense Authorization bill with the bipartisan support of 60 Senators. While I am disappointed that the hate crime provision was taken out of that bill at conference, I am hopeful that our efforts to enact this civil rights measure into law will be successful this year.

Violent crimes motivated by prejudice and hate are tragedies that haunt American history. From the lynchings that plagued race relations for more than a century, to the well-publicized slayings of Matthew Shepard and James Byrd, Jr., in the 1990s, this is a story that we have heard too often in this country. Unfortunately, in my home state of Vermont, there have been two attacks in recent years that appear to have been motivated by the victims' religion or sexual orientation.

Perhaps the most persuasive evidence that hate crimes are becoming more prevalent and more nationalized is a leaked copy of the Department of Homeland Security report on violent extremism in the United States. The report is nothing short of chilling.

The DHS report found that ''the economic downturn and the election of the first African American president present unique drivers for rightwing radicalization and recruitment'' and these elements in turn have the potential to drive hate groups to carry out violence. It also found that anti-immigrant fervor by organized hate groups ''has the potential to turn violent.'' The DHS report concluded that the ''advent of the Internet'' has potentially made ''extremist individuals and groups more dangerous and the consequences of their violence more severe.''

Of course, these findings comport with a recent Southern Poverty Law Center, SPLC, report on hate group activity in the United States entitled ''The Year in Hate.'' The SPLC repot found that activity by known domestic hate groups has increased by 50 percent since 2000, from 602 hate groups in 2000, to 926 hate groups in 2008. The recent and rapid growth in hate group activity is simply astonishing.

It remains painfully clear that as a Nation, we still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. While the answer to hate and bigotry must ultimately be found in increased tolerance, strengthening our Federal hate crimes laws is a step in the right direction.

The Matthew Shepard Hate Crimes Prevention Act of 2009 improves existing law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law. This bill also expands Federal protections to include the problem of hate crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which is a key and long-overdue expansion of protection. Finally, this bill provides assistance and resources to state, local, and tribal law enforcement to address hate crimes.

This bill strengthens Federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement. States will still bear primary responsibility for prosecuting most hate crimes, which is important to me as a former state prosecutor. In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from state and local law enforcement organizations across the country.

Moreover, this bill accomplishes the critically important goal of protecting all of our citizens without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. To paraphrase Justice Oliver Wendell Holmes, the Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

We crafted this legislation after long and thoughtful consultation with many of the advocates who work so hard to promote civil rights and with Justice Department attorneys in the field who work on hate crimes prosecutions every day. It contains changes to Federal hate crime law that will improve the law's operation and implementation. I want to thank the Leadership Conference on Civil Rights, Human Rights First, and the more than 300 law enforcement, civil rights, religious, and other professional organizations for their assistance with and support for this legislation, and for their tireless work on behalf of hate crimes victims in the United States.

The crimes targeted in this bill are particularly pernicious crimes that affect more than just their victims and those victims' families. They inspire fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. That is wrong. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a Nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for nearly 150 years.

The Matthew Shepard Hate Crimes Prevention Act continues that great and honorable tradition, and brings us one step closer towards ensuring an America that values tolerance and protects all of its people. I hope all Senators will support passing this important bipartisan bill this year.

Mrs. FEINSTEIN. I wish today to support the Matthew Shepard Hate Crimes Prevention Act of 2009. I want to thank and commend my friend and colleague, Senator KENNEDY, for his leadership and dedication on this important issue. It is long past time that we move to bring existing Federal hate crimes law into the 21st century.

I have been an original cosponsor of the Hate Crimes Prevention Act since it was first introduced in the Senate over a decade ago.

And I am proud to join today with my colleagues—Senators KENNEDY, LEAHY, SPECTER, COLLINS, SNOWE, SCHUMER, DURBIN, and others—to reintroduce this legislation, which will once and for all send a message: We will no longer turn a blind eye to hate crimes in this country.

This legislation is a crucial step toward prosecuting crimes directed at thousands of individuals who are the targets of brutal and senseless violence.

The current Federal hate crimes law simply does not go far enough. It covers only crimes motivated by bias on the basis of race, color, religion or national origin.

This bill improves the current Federal hate crime law by including crimes motivated by gender, gender identity, sexual orientation, and disability.

Specifically, the Matthew Shepard Crimes Prevention Act of 2009 expands on the 1968 definition of a hate crime.

Under current Federal law, hate crimes only cover attacks based on race, color, religion, and national origin.

Under the proposed bill, hate crimes will include: gender, gender identity, sexual orientation, and disability.

The bill enables States, local jurisdictions, and Indian tribes to apply for Federal grants in order to solve hate crimes and provides Federal agents with broader authority to aid State and local police.

Additionally, the bill amends the Hate Crime Statistics Act to allow law enforcement agencies to gather additional data on violent crimes committed out of hate.

The bill also includes a ''Rule of Construction'' to ensure that it does not intrude on first amendment protected rights to freedom of speech.

I believe that it is time for Congress to expand the ability of the Federal Government to investigate and prosecute anyone who would target victims because of hate. In States that have already enacted hate crimes laws, the Federal Government must provide the resources to ensure that those crimes do not go unpunished. We can and must do more.

Across the Nation, horrific instances of violence are occurring that this bill

would work to fight against. I would like to share just a few examples:

In February 2008 in Oxnard, CA, Lawrence ''Larry'' King, a 15-year-old boy was shot and killed by a fellow classmate at his junior high school. Larry, who had told his classmates he was gay, had long been harassed and bullied at school. The way he was treated is unacceptable, and his death was a tragic and poignant reminder of why it is so important to stop bullying and violence in our schools.

In Laurel, DE, earlier this month, three teenagers were charged with robbing and assaulting a 31-year-old developmentally disabled man. The victim was walking home one Friday evening from his brother's house in the Laurel Village Mobile Home Park and was dragged into a wooden area, beaten, and robbed of his wallet and keys. The victim's mother later found him and took him to the hospital where he was treated for a concussion.

Lastly, one of the most well-known cases in California happened in West Hollywood to actor Trev Broudy in 2002. The night of the attack, Trev Broudy was hugging a man on a street. Three men with a baseball bat savagely attacked the actor and left him in a coma for approximately 10 weeks. As a result of the attack, Trev suffered brain damage, lost half of his vision, and has experienced trouble hearing.

The crimes are brutal. The attackers targeted their victims because of who they are. Yet, none of these crimes can be prosecuted as a Federal hate crime.

These are not isolated instances.

These crimes occur all too often.

According to the latest FBI statistics, there were almost 7,700 hate crime incidents in the United States in 2007. Of those, 1,789 occurred in California, with 15 percent of those based on sexual orientation.

Nationally, approximately 50.8 percent were motivated by racial bias, 18 percent were motivated by religious bias, 17 percent were motivated by sexual orientation, and 13.2 percent were motivated by ethnicity or national origin bias. One percent involved a bias against a disability.

Even more disturbing is the fact that these FBI statistics show only a fraction of the problem because so many hate crimes are unreported.

The Southern Poverty Law Center, a nonprofit organization located in Montgomery, AL and internationally known for its tolerance education programs, estimates that the actual number of hate crimes committed in the United States each year is closer to 50,000 as opposed to the nearly 8,000 cases reported to the FBI.

A close analysis of hate crimes rates demonstrates that groups that are now covered by current laws—such as African Americans, Muslims, and Jews, report similar rates of hate crimes victimizations as gays and lesbians—who are not currently protected.

Every person's life is valuable. Congress must act to protect every individual who is targeted simply because of who they are.

We must also stop the way that hate crimes terrorize communities. When people are targeted because of who they are, they often live in fear and communities suffer from tension and a lack of trust. These are crimes that damage our social fabric, and we must send a clear message that we cannot tolerate this kind of intimidation in the United States.

This is not a new bill. It was first introduced in 1998. It has passed the Senate numerous times: in 2000, 2002, and 2004 as an amendment to the Department of Defense, Authorization bill. It has also passed the House in 2007 as a stand-alone bill and in 2006 as an amendment to the Adam Walsh Act. But still, it has not been enacted into law.

In addition, last Congress, this body passed this legislation favorably as an amendment to the Defense authorization bill, but the amendment was removed from the final version of the bill that the President signed.

This legislation is bipartisan and has broad coalition support. It is supported by 26 State attorneys general and over 300 law enforcement, professional, educational, civil rights, religious, and civic organizations.

I hope that my colleagues will join me in supporting it and working to enact it into law in this Congress.

Let us send a message to all Americans that we will not turn a blind eye to hate crimes and will instead support the values of tolerance and community that unite us as Americans.

By Mr. MERKLEY:

S. 911. A bill to amend the Truth in Lending Act to prohibit prepayment penalties, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I am introducing two pieces of legislation to address the very heart of our economic crisis—the housing market and the deceptive lending practices that have placed millions of homes at risk of foreclosure.

In the last few years, millions of families were led into unsustainable home mortgages that pushed our country into an economic crisis unprecedented in our lifetimes. Instead of fulfilling a dream and contributing to a secure financial future, home mortgages have too often become a check for stripping wealth from working Americans.

These two bills, the Transparency for Homeowners Act, S. 911, and the Promoting Mortgage Responsibility Act, S. 912, will put an end to deceptive and unfair mortgage practices that played a pivotal role in tricking American families to accept risky and unsustainable mortgages.

Two key factors drew families into these mortgages that paved the way for this recession. First, steering payments.

Steering payments were paid to brokers who enticed unsuspecting homeowners into deceptive and expensive mortgages. These secret bonus payments, often called yield spread premiums, turned home mortgages into a scam. A family would go to a mortgage broker to get advice in getting the best possible loan. The family would trust the broker to give advice because, quite frankly, they were paying the broker for that service. But what the borrower did not realize is that the broker would earn thousands of bonus dollars from the lender if the broker could convince the homeowner to take out a high-priced mortgage, such as one with an exploding interest rate, rather than a plain vanilla 30-year fixed rate mortgage.

The second factor is prepayment penalties. Prepayment penalties added insult to injury. After the homeowners realized they had been steered into an unsustainable mortgage, they soon discovered that a large prepayment penalty made it too costly for them to refinance to a more affordable loan. They were locked into that first destructive loan they did not fully understand when it was presented.

This scam has had a tremendous impact. A study for the Wall Street Journal found that 61 percent of the subprime loans that originated in 2006—that is 61 percent that originated in 2006—went to families who qualified for prime loans. More than half the borrowers who qualified for a prime loan ended up with a subprime loan because of these steering payments, putting millions of American families at risk. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers but that leaves borrowers unaware of payments that take place, putting them into expensive and destructive mortgages.

I call your attention to a New York Times editorial published on April 9 entitled ''Predatory Brokers.'' This editorial highlighted the problem. The Times concluded that:

> The first step must be to outlaw the kickbacks that lenders pay brokers for steering clients into costlier loans.

The editorial went on to say that:

> The most clearly unethical form of payment is the so-called yield-spread premium.

My friends, it is difficult to overstate the damage that has been done by these practices. An estimated 20,000 Oregon families will lose their homes to foreclosure in 2009. Nationwide, an estimated 2 million families will lose their homes this year. And the total of foreclosed families is predicted to reach 9 million by 2012.

The legislative solutions I propose are very simple. The bills I am introducing today will ensure these practices do not again haunt the mortgage business in America. First, the Transparency For Homeowners Act ends the secret steering payments to lenders who lead homeowners into deceptive mortgages they cannot afford over the long term. Second, the Promoting Mortgage Responsibility Act prohibits

lenders from issuing costly financial penalties that prevent homeowners from refinancing into a more affordable loan.

It is simple: an end to steering payments and an end to prepayment penalties. We should recognize that not only have these practices damaged the financial foundations for our families and millions of families at the retail level—turning the American dream of home ownership into an American nightmare—but these practices, which resulted in a huge surge in subprime lending, set the stage for the disaster that would come and is still unfolding on Wall Street and crippling economies around the world.

My legislation will restore transparency to the mortgage lending process and help make home ownership a stable investment for families once again. The time has come for us to make sure that secret steering payments and paralyzing prepayment penalties never again haunt American families. Let us restore the American dream of home ownership.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 913. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2009, otherwise known as the WHIP Act. This bipartisan bill I introduce today is the same legislation I introduced in the 110th Congress. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention, CDC, the economic cost alone to businesses in the form of health insurance and absenteeism is more than $15 billion. Additionally, the CDC estimates that more than ⅓ of all US adults fail to meet minimum recommendations for aerobic physical activity based on the 2008 Physical Activity Guidelines for Americans. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am introducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pretax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to $900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees—creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our Nation's quality of life by promoting physical activity and preventing disease. Additionally, it will help relieve pressure on a strained health care system and correct an inequity in the current tax code.

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. 913

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 ''Workforce Health Improvement Program Act of 2009''.

SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

''(A) IN GENERAL.—Gross income shall not include—

''(i) the value of any on-premises athletic facility provided by an employer to its employees, and

''(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.''.

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

''(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

''(ii) which is not a private club owned and operated by its members,

''(iii) which does not offer golf, hunting, sailing, or riding facilities,

''(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

''(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.''.

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Paragraphs (1) and (2) of subsection (a)'' and inserting ''Subsections (a)(1), (a)(2), and (j)(4)'', and

(2) by striking the heading thereof through ''(2) APPLY'' and inserting ''CERTAIN EXCLUSIONS APPLY''.

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.''.

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting ''the first sentence of'' before ''subsection (a)(3)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. SPECTER:

S. 914. A bill to establish an independent Cures Acceleration Network agency, to sponsor promising translational research to bridge the gap between laboratory discoveries and life-saving therapies, to reauthorize the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, the bill that I am introducing today would authorize the establishment of the Cures Acceleration Network, CAN. This new $2 billion agency would provide funds to translate research discoveries from the bench to the bedside and would operate as an independent agency. It would not be part of the Department of Health and Human Services. The CAN would make awards outside of the traditional funding stream to accelerate the development of cures and treatments including but not limited to drugs, devices, and behavioral therapies. The CAN would have a flexible expedited review process to get monies into the hands of the grantees as quickly as possible. These development

funds would complement the research dollars provided to the National Institutes of Health, NIH, and would not compete or take monies away from the NIH.

The bill also would raise the authorization level of the National Institutes of Health to $40 billion in fiscal year 2010, elevate the Center for Minority Health and Health Disparities to Institute status, and implement a new conflict-of-interest provision.

While the NIH funds much of the basic biomedical research at universities across the country, the CAN would take those findings found through basic research and provide funding to fill the gap between laboratory discoveries and life-saving medical therapies. This funding gap—often referred to as ''the valley of death'' arises after Federal basic-science support ends and before investors are willing to commit to a promising discovery. Very often finding funds to fill this gap is a daunting challenge, especially during a period of economic downturn, when investors have fewer resources to invest. This has had a severe impact on America's biotechnology industry.

The need for the CAN is clear: Capital raised by America's biotechnology companies fell 55 percent in 2008 compared to 2007. Also relative to 2007, 90 percent of small public biotechnology companies are now operating with less than 6 months of cash on hand. In the last 5 months alone, at least 24 U.S. public biotech companies have either placed drug development programs on hold or cut programs altogether. These companies have postponed clinical trials to treat melanoma, cervical cancer, lupus, chemotherapy side effects for breast cancer patients, multiple sclerosis, diabetes and atherosclerosis, drug trials to treat non-Hodgkin's lymphoma, testing of pandemic flu vaccine, trials to treat plaque psoriasis and heart disease, and a treatment for mesothelioma.

In short, without adequate funding—these companies will be unable to take these products to the development stage, the basic research done by the NIH will be lost, and many patients will die waiting for drugs and devices to give them a better quality of life.

The CAN would fund two types of grant awards, each with an authorization of $1 billion in the first year and additional funds in succeeding fiscal years.

The Cures Acceleration Grant Awards will provide grant awards of up to $15 million per year per project with out-year funding available. These awards would be available to applicants who do not have access to private matching funds.

The Cures Acceleration Partnership Awards also would provide grants for up to $15 million per year per project with additional funds available in the out-years. However, grant awards would require a match of three Federal dollars to one grantee dollar, as a way to partially offset development costs.

For both grant types, the CAN Board may waive the award limitation as well as modify the matching requirement.

Eligible grantees would include public or private entities such as institutions of higher education, medical centers, biotechnology companies, universities, patient advocacy organizations, pharmaceutical companies and academic research institutions.

To provide for expedited FDA approval, the grantees must also establish protocols that comply with FDA standards to meet regulatory requirements at all stages of development, manufacturing, review, approval and safety surveillance of a medical product.

The provisions of the Bayh-Dole Act would apply.

The CAN grant proposals would be evaluated by a 24-member board comprised of experienced individuals of distinguished achievement, and representative of a broad range of disciplinary interests including: venture capitalists and business executives with experience in managing scientific enterprises; scientists with expertise in the fields of basic research, biopharmaceuticals, drug discovery, drug delivery of medical products, bioinformatics, gene therapy or medical instrumentation, regulatory review and approval of medical products; and representatives of patient advocacy organizations.

The Chairman and Vice Chairman of the CAN shall be appointed by the President with the advice and consent of the Senate. The term of office of each member of the Board shall be 2 years. The CAN board also will include ex-officio members representing the National Institutes of Health, the Food and Drug Administration and the Department of Defense, the Department of Veterans Affairs and the National Science Foundation. The CAN board will meet four times each calendar year, with 12 board members and representatives of the ex-officio members present at each meeting. The board will be supported by an executive director and other employees that the Board deems necessary to ensure efficient operation of the CAN.

The Chairman of the CAN shall have authority to enter into an interagency agreement with the Center for Scientific Review at the National Institutes of Health to utilize advisory panels to review applications, and to make recommendations to the CAN.

The increases that have been made in medical research over the past 20–30 years have dramatically improved the survival rates for many diseases—deaths from coronary artery disease declined by 18 percent between 1994 and 2004. Stroke deaths also fell by 24.2 percent during that same time period. The five-years survival rates for Hodgkin's lymphoma have increased from 4 percent in the 1960s to more than 86 percent today. Survival rates for localized breast cancer have increased from 80 percent in the 1950s to 98 percent today. Over the past 25 years, survival rates for prostate cancer have increased from 69 percent to almost 99 percent. So we are seeing real progress. But for many other maladies, the statistics are not so good.

These medical advances do not happen overnight. It takes time and money for research institutions to develop scientists skilled in the latest research techniques and to develop the costly infrastructure where research takes place.

Regrettably, Federal funding for NIH has steadily declined from the $3.8 billion increase provided in 2003—when the 5-year doubling of that agency was completed. Had we provided sustained increases of $3.5 billion per year, plus inflation since 2003, we would have $23 billion more in funding for today. The shortfall due to inflationary costs alone is $5.2 billion. This flagging investment in medical research, many believe, served to discourage bright young investigators from entering this field of study.

The $10 billion for the National Institutes of Health that was included in stimulus package provided an immediate infusion of new research dollars for medical research. While these funds will only make up for a portion of what was lost since 2003, it is a step in the right direction. But much remains to be done. Additional dollars must be found for the 2010 appropriation and beyond.

The $40 billion contained in the legislation that I am introducing today will help to re-energize our investment in medical research, support a new generation of young scientists and invest in the health of our Nation.

The bill also contains a provision which requires the Director of NIH to enforce conflict-of-interest policies, requiring primary investigators with financial interests to provide a detailed report how the grant recipient will manage the investigator's conflict-of-interest.

The legislation also elevates the National Center for Minority Health and Health Disparities to Institute status, a designation that will lead to more resources to address the health status of minority and other medically underserved communities.

While some might argue that at a time when our economy is struggling we cannot afford to invest more in medical research. The fact is that research offers the only hope of saving lives, allowing our citizens to lead longer, more productive lives and saving billions of dollars in health care cost. To those critics I would say we cannot afford not to invest in medical research. This is not simply good social policy; it is good economic policy as well.

Mr. President, I ask unanimous consent that the text of the bill and a list of supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 914

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 ''Cures Acceleration Network and National Institutes of Health Reauthorization Act of 2009''.

SEC. 2. CURES ACCELERATION NETWORK.

(a) DEFINITIONS.—In this section—

(1) the term ''medical product'' means a drug, device, biological product, or product that is a combination of drugs, devices, and biological products;

(2) the terms ''drug'' and ''device'' have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act; and

(3) the term ''biological product'' has the meaning given such term in section 351 of the Public Health Service Act.

(b) ESTABLISHMENT OF THE CURES ACCELERATION NETWORK.—There is established an independent agency to be known as the Cures Acceleration Network (referred to in this section as ''CAN''), which shall—

(1) be under the direction of a CAN Review Board (referred to in this section as the ''Board''), described in subsection (d); and

(2) award grants and contracts to eligible entities, as described in subsection (e), to accelerate the development of cures and treatments of diseases, including through the development of medical products and behavioral therapies.

(c) FUNCTIONS.—The functions of the CAN are to—

(1) identify and promote revolutionary advances in basic research, translating scientific discoveries from bench to bedside;

(2) award grants and contracts to eligible entities;

(3) provide the resources through grants and contracts necessary for independent investigators, research organizations, biotechnology companies, academic research institutions, and other entities to develop medical products for the treatment and cure of diseases and disorders;

(4) reduce the barriers between laboratory discoveries and clinical trials for new therapies;

(5) facilitate priority review in the Food and Drug Administration for the medical products funded by the CAN; and

(6) accept donations, bequests, and gifts to the CAN.

(d) CAN BOARD.—

(1) ESTABLISHMENT.—There is established a Cures Acceleration Network Review Board (referred to in this section as the ''Board''), which shall direct the activities of the Cures Acceleration Network.

(2) MEMBERSHIP.—

(A) IN GENERAL.—

(i) APPOINTMENT.—The Board shall be comprised of 24 members who are appointed by the President and who serve at the pleasure of the President.

(ii) CHAIRPERSON AND VICE CHAIRPERSON.—The President, by and with the advice and consent of the Senate, shall designate, from among the 24 members appointed under clause (i), one Chairperson of the Board (referred to in this section as the ''Chairperson'') and one Vice Chairperson.

(B) TERMS.—

(i) IN GENERAL.—Each member shall be appointed to serve a 4-year term, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

(ii) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board, and may not serve more than 2 such terms consecutively.

(C) QUALIFICATIONS.—

(i) IN GENERAL.—The President shall appoint individuals to the Board based solely upon the individual's established record of distinguished service in one of the areas of expertise described in clause (ii). Each individual appointed to the Board shall be of distinguished achievement and have a broad range of disciplinary interests.

(ii) EXPERTISE.—The President shall select individuals based upon the following requirements:

(I) For each of the fields of—

(aa) basic research;

(bb) medicine;

(cc) biopharmaceuticals;

(dd) discovery and delivery of medical products;

(ee) bioinformatics and gene therapy;

(ff) medical instrumentation; and

(gg) regulatory review and approval of medical products,

the President shall select at least 1 individual who is eminent in such fields.

(II) At least 4 individuals shall be recognized leaders in professional venture capital or private equity organizations and have demonstrated experience in private equity investing.

(III) At least 8 individuals shall represent disease advocacy organizations.

(3) EX-OFFICIO MEMBERS.—

(A) APPOINTMENT.—In addition to the 24 Board members described in paragraph (2), the President shall appoint as ex-officio members of the Board—

(i) a representative of the National Institutes of Health, recommended by the Secretary of the Department of Health and Human Services;

(ii) a representative of the Office of the Assistant Secretary of Defense for Health Affairs, recommended by the Secretary of Defense;

(iii) a representative of the Office of the Under Secretary for Health for the Veterans Health Administration, recommended by the Secretary of Veterans Affairs;

(iv) a representative of the National Science Foundation, recommended by the Chair of the National Science Board; and

(v) a representative of the Food and Drug Administration, recommended by the Commissioner of Food and Drugs.

(B) TERMS.—Each ex-officio member shall serve a 3-year term on the Board, except that the Chairperson may adjust the terms of the initial ex-officio members in order to provide for a staggered term of appointment for all such members.

(4) RESPONSIBILITIES OF THE BOARD.—The Board shall—

(A) advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's duties; and

(B) review applications for grants and contracts under subsection (e) and make recommendations to the Chairperson.

(5) AUTHORITY OF THE CHAIRPERSON.—The Chairperson may—

(A) prescribe regulations regarding the manner in which the Chairperson's duties shall be carried out, as the Chairperson determines necessary;

(B) appoint employees, subject to civil service laws, as necessary to carry out the Chairperson's functions;

(C) define the duties, and supervise and direct the activities, of any employees appointed under subparagraph (B);

(D) use experts and consultants, including a panel of experts who may be employed as authorized by section 3109 of title 5, United States Code;

(E) accept and utilize the services of voluntary and uncompensated personnel and reimburse such personnel for travel expenses, as described in paragraph (7)(B);

(F) make advance, progress, or other payments without regard to section 3324 of title 31, United States Code;

(G) rent office space in the District of Columbia for use by the CAN;

(H) enter into agreements with other Federal agencies to carry out oversight of the grant program under subsection (e), which agreements may include provisions for financial reimbursement for the oversight provided by such agencies; and

(I) make other necessary expenditures.

(6) MEETINGS.—

(A) IN GENERAL.—The Board shall meet 4 times per calendar year, at the call of the Chairperson.

(B) QUORUM; REQUIREMENTS; LIMITATIONS.—

(i) QUORUM.—A quorum shall consist of a total of 13 members of the Board, excluding ex-officio members, with diverse representation as described in clause (iv).

(ii) CHAIRPERSON OR VICE CHAIRPERSON.—Each meeting of the Board shall be attended by either the Chairperson or the Vice Chairperson.

(iii) LIMITATION.—No member or ex-officio member of the Board may attend more than 2 meetings of the Board each calendar year with the exceptions of the Chairperson and Vice Chairperson, who may attend all such meetings.

(iv) DIVERSE REPRESENTATION.—At each meeting of the Board, there shall be not less than one scientist, one representative of a disease advocacy organization, and one representative of a professional venture capital or private equity organization.

(7) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall receive compensation at a rate to be fixed by the Chairperson but not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Untied States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(e) GRANT PROGRAM.—

(1) GRANTS AND CONTRACTS.—The Chairperson shall, through the Board of the CAN, award grants and contracts to eligible entities to assist such entities in carrying out projects described in paragraph (3).

(2) AWARD PROCESS.—The Chairperson of the Board may award a grant or contract under this subsection to an eligible entity only upon the approval of a majority of a quorum of the Board.

(3) USE OF FUNDS.—Funds awarded under this subsection shall be used—

(A) to accelerate the development of cures and treatments, including through the development of medical products, behavioral therapies, and biomarkers that demonstrate the safety or effectiveness of medical products; or

(B) to help the award recipient establish protocols that comply with Food and Drug

Administration standards and otherwise permit the recipient to meet regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product.

(4) ELIGIBLE ENTITIES.—To receive a grant or contract under this subsection, an entity shall—

(A) be—

(i) an individual;

(ii) a group of individuals; or

(iii) a public or private entity, which may include a private or public research institution, an institution of higher education, a medical center, a biotechnology company, a pharmaceutical company, a disease advocacy organization, a patient advocacy organization, or an academic research institution;

(B) submit an application containing—

(i) a detailed description of the project for which the entity seeks such grant or contract;

(ii) a timetable for such project;

(iii) an assurance that the entity will submit—

(I) interim reports describing the entity's—

(aa) progress in carrying out the project; and

(bb) compliance with all provisions of this section and conditions of receipt of such grant or contract; and

(II) a final report at the conclusion of the grant period, describing the outcomes of the project; and

(iv) a description of the protocols the entity will follow to comply with Food and Drug Administration standards and regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product; and

(C) provide such additional information as the Chairperson may require.

(5) STUDY SECTIONS OF THE CENTER FOR SCIENTIFIC REVIEW.—

(A) IN GENERAL.—The Chairperson may enter into an interagency agreement with the Center for Scientific Review within the National Institutes of Health to use the study sections of such Center to review applications submitted under paragraphs (4)(B) and additional information submitted under (4)(C) and to make recommendations to the Board. The Chairperson shall promulgate regulations and procedures to—

(i) ensure that each study section reviewing applications is composed of diverse members, as described in subparagraph (B);

(ii) require such study sections to create written records summarizing—

(I) all meetings and discussions of the study section; and

(II) the recommendations made by such study section to the Board; and

(iii) make the records described in clause (ii) available to the public in a manner that protects the privacy of applicants and panel members and any proprietary information from applicants.

(B) MEMBERSHIP.—The Chairperson shall ensure that the study sections of the Center for Scientific Review that review applications submitted under this subsection are selected solely on the basis of established records of distinguished service and include—

(i) for each of the fields of—

(I) basic research;

(II) medicine;

(III) biopharmaceuticals;

(IV) discovery and delivery of medical products;

(V) bioinformatics and gene therapy; and

(VI) medical instrumentation,

at least 2 individuals with expertise in such fields;

(ii) at least 3 representatives of professional venture capital or private equity organizations with demonstrated experience in private equity investing; and

(iii) at least 3 representatives of disease advocacy organizations.

(C) FINANCIAL COMPENSATION.—Any agreement under subparagraph (A) shall include an arrangement whereby the Chairperson reimburses the Center for Scientific Review for the services provided under such subparagraph.

(6) AWARDS.—

(A) THE CURES ACCELERATION PARTNERSHIP AWARDS.—

(i) INITIAL AWARD AMOUNT.—Each award under this subparagraph shall be not more than $15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment, except that the Chairperson of the Board may increase the award amount for an eligible entity if the Board so determines by a majority vote.

(ii) FUNDING IN SUBSEQUENT FISCAL YEARS.—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Board the information required under subparagraphs (B) and (C) of paragraph (4). The Chairperson may fund a project of such eligible entity in an amount not to exceed $15,000,000 for a fiscal year subsequent to the initial award under clause (i) if the Board so determines by majority vote.

(iii) MATCHING FUNDS.—As a condition for receiving a grant or contract under this subparagraph, an eligible entity shall contribute to the project non-Federal funds in the amount of $1 for every $3 awarded under clauses (i) and (ii), except that the Chairperson may waive or modify such matching requirement by a majority vote of the Board.

(B) THE CURES ACCELERATION GRANT AWARDS.—

(i) INITIAL AWARD AMOUNT.—Each award under this subparagraph shall be not more than $15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment, except that the Chairperson of the Board may increase the award amount for an eligible entity if the Board so determines by a majority vote.

(ii) FUNDING IN SUBSEQUENT FISCAL YEARS.—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Board the information required under subparagraphs (B) and (C) of paragraph (4). The Chairperson may fund a project of such eligible entity in an amount not to exceed $15,000,000 for a fiscal year subsequent to the initial award under clause (i) if the Board so determines by majority vote.

(7) SUSPENSION OF AWARDS FOR DEFAULTS, NONCOMPLIANCE WITH PROVISIONS AND PLANS, AND DIVERSION OF FUNDS; REPAYMENT OF FUNDS.—The Chairperson may suspend the award to any entity upon noncompliance by such entity with provisions and plans under this section or diversion of funds.

(8) AUDITS.—The Chairperson may enter into agreements with other entities to conduct periodic audits of the projects funded by grants or contracts awarded under this subsection.

(9) CLOSEOUT PROCEDURES.—At the end of a grant or contract period, a recipient shall follow the closeout procedures under section 74.71 of title 45, Code of Federal Regulations (or any successor regulation).

(f) STAFF.—The CAN may employ such officers and employees (including experts and consultants), appointed by the Chairperson, as may be necessary to enable the CAN to carry out its functions under this section, and may employ and fix the compensation of such officers and employees.

(g) GIFTS, BEQUESTS, AND DEVISES.—

(1) IN GENERAL.—The CAN may accept donations, bequests, and devises, with or without conditions, and transfers for tax purposes, for the purpose of aiding or facilitating the work of the CAN subject to the following:

(A) In any case in which money or other property is donated, bequeathed, or devised to the CAN without designation for the benefit of which such property is intended, and without condition or restriction other than that such property be used for the purposes of the CAN, such property shall be deemed to have been donated, bequeathed, or devised to the CAN and the Chairperson shall have authority to receive such property.

(B) In any case in which any money or other property is donated, bequeathed, or devised to the CAN with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to the CAN whose function it is to carry out the purpose or purposes described, or referred to, by the terms of such condition or restriction, and the Chairperson shall have authority to receive such property.

(C) For the purposes of subparagraph (B), if one or more of the purposes of such a condition or restriction is covered by the functions of the CAN, or if some of the purposes of such a condition or restriction are covered by the CAN, the Board shall determine an equitable manner for distribution by the CAN of the property so donated, bequeathed, or devised.

(D) For the purpose of Federal income tax, gift tax, and estate tax laws, any money or other property donated, bequeathed, or devised to the Chairperson pursuant to authority derived under this subsection shall be deemed to have been donated, bequeathed, or devised to, or for the use of, the United States.

(h) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—The Chairperson shall develop and enforce conflict of interest policies for the CAN and shall respond in a timely manner when such policies have been violated by a recipient of funds provided under a grant or contract awarded under this section.

(2) INFORMATION.—

(A) IN GENERAL.—In the case in which the principal investigator for a recipient described under subparagraph (B) has a conflict of interest, the Chairperson shall require the recipient to provide to the Chairperson the following information:

(i) The degree of the primary investigator's financial interest, estimated to the nearest $1,000.

(ii) A detailed report explaining how the recipient will manage the primary investigator's conflict of interest.

(B) RECIPIENT.—A recipient described in this subparagraph is a recipient—

(i) of a grant or contract awarded under subsection (e); and

(ii) that receives more than $250,000 under such grant or contract.

(i) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated—

(1) for fiscal year 2010, $1,000,000,000 for awards described under subsection (e)(6)(A), including associated administrative costs;

(2) for fiscal year 2010, $1,000,000,000 for awards described under subsection (e)(6)(B), including associated administrative costs; and

(3) such sums as may be necessary for subsequent fiscal years.

SEC. 3. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) REDESIGNATION OF CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 6 of part E as subpart 20;

(2) by transferring subpart 20, as so redesignated, to part C of such title IV;

(3) by inserting subpart 20, as so redesignated, after subpart 19 of such part C; and

(4) in subpart 20, as so redesignated—

(A) by redesignating sections 485E through 485H as sections 464z-3 through 464z-6, respectively;

(B) by striking ''National Center on Minority Health and Health Disparities'' each place such term appears and inserting ''National Institute on Minority Health and Health Disparities''; and

(C) by striking ''Center'' each place such term appears and inserting ''Institute''.

(b) PURPOSE OF INSTITUTE.—Subsection (h) of section 464z-3 of the Public Health Service Act, as so redesignated, is amended—

(1) in paragraph (1), by striking ''research endowments at centers of excellence under section 736.'' and inserting the following: ''research endowments—

''(1) at centers of excellence under section 736; and

''(2) at centers of excellence under section 464z-4.''; and

(2) in paragraph (2)(A), by striking ''average'' and inserting ''median''.

(c) TECHNICAL AMENDMENT.—Section 401(b)(24) of the Public Health Service Act (42 U.S.C. 281(b)(24)) is amended by striking ''Center'' and inserting ''Institute''.

(d) CONFORMING AMENDMENT.—Subsection (d)(1) of section 903 of the Public Health Service Act (42 U.S.C. 299a-1(d)(1)) is amended by striking ''section 485E'' and inserting ''section 464z-3''.

SEC. 4. CONFLICTS OF INTEREST.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following:

''(m) ENFORCEMENT OF CONFLICT OF INTEREST POLICIES.—

''(1) IN GENERAL.—The Director shall develop and enforce the conflict of interest policies for the National Institutes of Health and shall respond in a timely manner when such policies have been violated by a recipient of funds provided under a grant or contract awarded under this title.

''(2) INFORMATION.—

''(A) IN GENERAL.—In the case in which the principal investigator for a recipient described under subparagraph (B) has a conflict of interest, the Director shall require the recipient to provide to the Director the following information:

''(i) The degree of the primary investigator's financial interest, estimated to the nearest $1,000.

''(ii) A detailed report explaining how the recipient will manage the primary investigator's conflict of interest.

''(B) RECIPIENT.—A recipient described in this subparagraph is a recipient—

''(i) of a grant or contract awarded under this title; and

''(ii) that receives more than $250,000 under such grant or contract.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 402A of the Public Health Service Act (42 U.S.C. 282a) is amended by striking paragraphs (1) through (3) of subsection (a) and inserting the following:

''(1) $40,000,000,000 for fiscal year 2010; and

''(2) such sums as may be necessary for each of fiscal years 2011 and 2012.''.

(b) OFFICE OF THE DIRECTOR.—Subparagraph (b) of section 402A of the Public Health Service Act (42 U.S.C. 282a(b)) is amended by striking ''2007 through 2009'' and inserting ''2010 through 2012''.

SUPPORTERS

Autism Speaks, Association of Minority Health Professions Schools, Morehouse School of Medicine, Meharry Medical College, Charles Drew University of Medicine and Science, Cure Alzheimer's Fund, American Thoracic Society, Scleroderma Foundation, NephCure Foundation, National Marfan Foundation, Crohn's and Colitis Foundation of America, Pulmonary Hypertension Association, Biotechnology Industry Organization, Melanoma Research Foundation, Alzheimer's Association, Medical Library Association, Association of Academic Health Sciences Libraries, American Lung Association, Lupus Research Institute, S.L.E. Lupus Foundation, Friends of Cancer Research, College on Problems of Drug Dependence, Parkinson's Action Network.

By Mr. GREGG:

S. 917. A bill provide assistance to Pakistan under certain conditions, and for other purposes; to the Committee on Foreign Relations.

Mr. GREGG. Mr. President, I rise today to introduce legislation that provides the President with extraordinary, but critical authority under section 451 of the Foreign Assistance Act of 1961 with respect to assistance for Pakistan.

Specifically, the bill allows the President to reprogram up to $500,000,000 of previously appropriated foreign operations funds for assistance for Pakistan if the President determines that it is in the vital national security interests of the U.S. to do so.

The President must still report promptly to Congress on the exercise of this authority, and it is my expectation—although not legally binding—that reprogrammed funds will be reimbursed in subsequent annual or supplemental appropriations bills.

Extended until September 30, 2010, this authority is required because of the increasingly dire situation in Pakistan and alarming news reports of territorial gains by extremists. While I do not pretend to have the answers to Pakistan's myriad challenges, I do know that the administration lacks the necessary authority to reprogram significant funds to respond to further political and economic deterioration in that country. Should the government of Pakistani President Zardari collapse, the administration will need maximum flexibility in its response.

I can anticipate some may have a knee jerk reaction to the provision of such extraordinary authority. In response, I would remind my colleagues that regardless of their opinions of Pakistan's messy political situation, events in Pakistan directly impact Afghanistan—and our troops on the ground there.

Of course, this is in addition to the impact that destabilization would have on Pakistan's nuclear complex, specifically the combination of dozens of nuclear weapons, untested security systems, and a surplus of Islamic militants in the area. These issues are at the forefront of our security interests in the region and would exacerbate exponentially the impact of destabilization.

It might interest my colleagues to know that current law limits section 451 reprogram authority to $25,000,000. In contrast, the supplemental budget request seeks $4,000,000,000 in special transfer authority for the Department of Defense to meet emerging requirements. Surely, the State Department should also have increased flexibility to react promptly to the economic and security needs of Pakistan should the worst case scenario transpire.

I urge the relevant Committee to consider and act upon this legislation quickly.

By Mr. AKAKA:

S. 919. A bill to amend section 1154 of title 58, United States Code, to clarify the additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am today introducing the proposed Clarification of Characteristics of Combat Service Act of 2009. This legislation is designed to address concerns which have been noted during the Committee's oversight visits to VA regional offices. From the review of claims folders as part of ongoing oversight, Committee staff has noted that VA adjudicators often fail to factor in the existence of common occurrences when considering claims from combat veterans because there is no formal evidence on the matters in question in the claimant's official military records.

When common hazards exist in particular areas where our armed forces have or are serving, a means must be established to determine whether a particular veteran's claim of exposure to such hazard or matter is consistent with the circumstances of service in that area, even without evidence in individual official records. This proposed bill would establish a mechanism by requiring VA to promulgate regulations that would include standards that VA adjudicators would use for evaluating the consistency between lay evidence and claimed matters, such as exposure to factors common to servicemembers serving in particular combat areas.

This proposed bill is intended to result in recognition by VA that, where there is evidence of common events, a veteran's testimony, if consistent with other evidence, would be accepted without requiring specific, formal evidence of individual exposure to the event. By law, lay testimony is currently recognized in claims where a veteran served in a military unit which participated in combat. While this bill is not intended to provide a presumption of service-connection for any particular disability, it should improve the accurate adjudication of claims in those cases where a veteran served in an area where certain events or exposures are widespread.

For example, there is widespread agreement that those who have served in Iraq since the start of the conflict there have been exposed to improvised explosive devices—IEDs. However,

based on Committee oversight, it appears that it often happens that, when a veteran applies for compensation for disabilities related to IED exposure, such as tinnitus, the claim may be denied if the veteran's service medical record does not show treatment for tinnitus in service or otherwise documents exposure to an IED. Since it would be highly unusual to find documentation of treatment where a veteran in a combat zone has consulted with medical personnel for a relatively minor condition, such as exposure to an IED which did not cause acute observable injury, the formal records would not be of use to the claimant. The regulations required by the legislation I am introducing would likely include provision for conceding exposure to an IED in claims brought by veterans who served in Iraq.

Another example of the problems that the legislation is designed to address involves claims from Korean war veterans, many of whom were exposed to extreme cold, but whose records may not have documentation of treatment for a cold injury or information on the actual temperature to which they were exposed. I would anticipate that the regulations required by this legislation would provide for VA to concede exposure to subfreezing temperatures in such cases if consistent with the location where the veteran served.

I expect that this measure should speed the processing by claims, by not requiring each veteran to individually establish by official government records, which often do not document individual participation, exposure to one or more events which are well established as circumstances involving the place and type of the veteran's service.

In closing, I note that this legislation has been developed in consultation with VA and with a variety of individuals and groups interested in VA claims but I do not view it as a final approach. I look forward to working with my colleagues on the Committee and in the Senate, as well as with those with an interest in this issue, to improve this bill so that combat veterans of the current conflicts and of earlier conflicts who allege exposure to well-recognized events will not be burdened by requirements of acquiring official evidence of individual participation in such events. This should help veterans receive the benefits they deserve in a timely manner. I urge support for this legislation.

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. 919

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 ''Clarification of Characteristics of Combat Service Act of 2009''.

SEC. 2. CLARIFICATION OF ADDITIONAL REQUIREMENTS FOR CONSIDERATION TO BE AFFORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE IN DETERMINATIONS REGARDING SERVICE-CONNECTED DISABILITIES.

Subsection (a) of section 1154 of title 38, United States Code, is amended to read as follows:

''(a)(1) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following:

''(A) Additional provisions in effect requiring that in each case where a veteran is seeking service-connection for any disability due consideration shall be given to the places, types, and circumstances of such veteran's service as shown by such veteran's service record, the official history of each organization in which such veteran served, such veteran's medical records, and all pertinent medical and lay evidence.

''(B) Additional provisions specifying that, in the case of a veteran who served in a particular combat zone, the Secretary shall accept credible lay or other evidence as sufficient proof that the veteran encountered an event that the Secretary specifies in such regulations as associated with service in particular locations where the veteran served or in particular circumstances under which the veteran served in such combat zone.

''(C) The provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98–542; 98 Stat. 2727).

''(2) In paragraph (1)(B), the term 'combat zone' means a combat zone for purposes of section 112 of the Internal Revenue Code of 1986 or a predecessor provision of law.''.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. VOINOVICH):

S. 920. A bill to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to introduce two bills, S. 920 and S. 921, that I believe could represent the most sweeping reforms of government information technology management reform we've considered in some time.

I would like to start by addressing the IT Investment Oversight and Waste Prevention Act.

Every year, agencies spend billions of dollars on IT investments that they believe will increase productivity, reduce costs, or improve customer service. But agencies often fail to properly plan and manage their investments. Rather, nearly one third of all Federal IT investments are considered by OMB to be ''poorly planned.'' Many of these investments will be delivered over budget, behind schedule, and not performing up to agencies' original expectations.

Some might say that we just shouldn't make these kinds of investments. But many of them are critical to agency missions.

My colleagues and I on the Homeland Security and Governmental Affairs Committee's Subcommittee on Federal Financial Management, which I chair, have held four hearings on the issue of troubled IT investments now, including one today. And what we've learned is that some agencies can't keep the expected cost of their investments down or deliver them on time as promised. Nor do these agencies, in many cases, have qualified IT experts they can turn to before a project spirals out of control. The bill I have put forward today along with a number of my colleagues addresses these issues.

Our bill starts by requiring the Office of Management and Budget to increase the transparency of funded IT investments on a public website. OMB created such a website, known as VUE-IT, this past July following one of our subcommittee hearings. Our bill would ensure that VUE-IT or whatever similar site the new Obama team creates has the cost, schedule, and performance necessary for Congress and the general public to know if a project is a success or should be scrapped.

Our bill also requires that agency plans for new IT systems must contain a clear business case and provide complete and accurate information before the OMB approves the investments. Although this sounds like a simple concept, it doesn't always happen. And OMB has historically been unwilling to turn down an agency IT request.

To correct this, our bill also empowers OMB and agency Chief Information Officers to take action if they realize a project isn't going as planned, before it spirals out of control. This action could be the assignment of highly-trained IT experts who could help bring projects back on track.

Lastly, our bill recognizes that there are a lot of innovative and hard-working federal employees that deserve recognition for the work they do in information technology. Our bill requires the Office of Personnel Management to provide agencies guidance on programs that can be set up to reward employees for their excellence.

Now, I would like to discuss my next bill titled the United States Information and Communications Enhancement Act of 2009.

Everyday, massive amounts of information are transmitted across the global information infrastructure. Some of this information is routine email between friends and family. Much of it, however, consists of highly sensitive military information, however, or commercial secrets.

As all of us can attest to, increasing global interconnectivity has greatly increased our productivity and ability to communicate. However, it has also increased our responsibility to make sure this information is protected.

The Federal Government stores within its databases some of our nation's most critical military, economic, and commercial secrets. Great harm could be caused if it were to fall into the

wrong hands. Knowing this, hackers, criminal organizations, and even other countries are spending a good deal of money and time trying to access it.

In fact, just last week we learned that someone had gone online and stolen our military's most advanced jet fighter plans with the stroke of a button. The cost to the American taxpayer for this single incident is approximately $300 billion worth of research and development, and an incalculable amount if the information were to ever be used against us.

Unfortunately, many agencies have not done as much as they should be doing to prevent these cyber intrusions. Instead they have been led to believe that producing plans about cyber security is equivalent to actually monitoring and protecting their networks. My bill will correct this.

First, my bill recognizes that there needs to be a coordinating office to oversee the multiple agencies that have a hand in cyber space. Today, the NSA and the Departments of Homeland Security and Defense all have different roles when it comes to securing cyber networks in the federal government and the private sector. Their efforts are largely uncoordinated and ineffective. This bill creates a White House office with a director confirmed by the Senate whose major responsibility would be to rectify this situation

My bill also ensures that agencies are spending scarce resources effectively. Instead of agencies wasting precious resources producing security plans that are outdated as soon they are printed, my bill requires agencies to continuously monitor their networks for cyber intrusions and malicious activities, take steps to address their vulnerabilities, and then regularly test whether the steps they are taking to secure their networks are effective.

My bill also requires the General Service Administration to harness the significant purchasing power of the federal government to purchase more secure hardware and software. This is the model the Air Force used a few years ago with Microsoft and it led to a savings of approximately $98 million in one year and an enhanced security posture. This is a successful model that we should continue throughout the federal government.

Lastly, my bill recognizes that the Department of Homeland Security has taken the lead among civilian agencies in protecting the perimeter of the federal government but lacks some of the necessary authority and technical people necessary to realize a more secure civilian cyber space. Therefore, our bill will require agencies to develop policy and guidance for coordinating with US-CERT and give the Director of US-CERT the ability to hire the personnel needed to defend our national security.

I look forward to working with my colleagues to get these important and necessary reforms enacted before it's too late. I think everyone can agree that computers, the Internet, and cutting-edge technology have greatly benefited our government and our society. But we also need to recognize that it has greatly increased the threats we face on a daily basis.

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 placed in the RECORD, as follows:

S. 920

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 ''Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective deployment of information technology can make the Federal Government more efficient, effective, and transparent.

(2) Historically, the Federal Government has struggled to properly plan, manage, and deliver information technology investments on time, on budget, and performing as planned.

(3) The Office of Management and Budget has made significant progress overseeing information technology investments made by Federal agencies but continues to struggle to ensure that such investments meet cost, schedule, and performance expectations.

(4) Congress has limited knowledge of the actual cost, schedule, and performance of agency information technology investments and has difficulty providing the necessary oversight.

(5) In July 2008, an official of the Government Accountability Office testified before the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs of the Senate, stating that—

(A) agencies self-report inaccurate and unreliable project management data to the Office of Management and Budget and Congress; and

(B) the Office of Management and Budget should establish a mechanism that would provide real-time project management information and force agencies to improve the accuracy and reliability of the information provided.

SEC. 3. REAL-TIME TRANSPARENCY OF IT INVESTMENT PROJECTS.

Section 11302(c)(1) of title 40, United States Code, is amended by striking the period at the end and inserting the following: '', including establishing a Website, updating the Website on a quarterly basis, and including on the Website, not later than 90 days after the date of the enactment of the Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009—

''(1) the cost, schedule, and performance of all major information technology investments using earned-value management data based on the ANSI–EIA–748–B standard;

''(2) accurate quarterly information since the commencement of the project;

''(3) a graphical depiction of trend information since the commencement of the project;

''(4) a clear delineation of investments that have experienced cost, schedule, or performance variance greater than 10 percent over the life cycle of the investment;

''(5) an explanation of the reasons the investment deviated from the benchmark established at the commencement of the project; and

''(6) the number of times investments were rebaselined and the dates on which such rebaselines occurred.''.

SEC. 4. IT INVESTMENT PROJECTS.

(a) SIGNIFICANT AND GROSS DEVIATIONS.—Section 11317 of title 40, United States Code, is amended to read as follows:

''SEC. 11317. SIGNIFICANT AND GROSS DEVIATIONS.

''(a) DEFINITIONS.—In this subchapter:

''(1) AGENCY HEAD.—The term 'Agency Head' means the head of the Federal agency that is primarily responsible for the IT investment project under review.

''(2) ANSI EIA–748–B STANDARD.—The term 'ANSI EIA–748–B Standard' means the measurement tool jointly developed by the American National Standards Institute and the Electronic Industries Alliance to analyze Earned Value Management systems.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

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

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

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Appropriations of the House of Representatives; and

''(E) any other relevant congressional committee with jurisdiction over an agency required to take action under this section.

''(4) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Chief Information Officer designated under section 3506(a)(2) of title 44 of the Federal agency that is primarily responsible for the IT investment project under review.

''(5) CORE IT INVESTMENT PROJECT.—The terms 'core IT investment project' and 'core project' mean a mission critical IT investment project designated as such by the Chief Information Officer, with approval by the Agency Head under subsection (b).

''(6) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(7) EARNED VALUE MANAGEMENT.—The term 'Earned Value Management' means the cost, performance, and schedule data used to determine project status and developed in accordance with the ANSI EIA–748-B Standard.

''(8) GROSSLY DEVIATED.—The term 'grossly deviated' means cost, schedule, or performance variance that is at least 40 percent from the Original Baseline.

''(9) INDEPENDENT GOVERNMENT COST ESTIMATE.—The term 'independent government cost estimate' means a pragmatic and neutral analysis, assessment, and quantification of all costs and risks associated with the acquisition of an IT investment project, which—

''(A) is based on programmatic and technical specifications provided by the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(B) is formulated and provided by an entity other than the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(C) contains sufficient detail to inform the selection of an Earned Value Management baseline benchmark measure under the ANSI EIA–748-B standard; and

''(D) accounts for the full life cycle cost plus associated operations and maintenance expenses over the usable life of the project's deliverables.

''(10) IT INVESTMENT PROJECT.—The terms 'IT investment project' and 'project' mean an information technology system or information technology acquisition that—

''(A) requires special management attention because of its importance to the mission or function of the agency, a component of the agency, or another organization;

''(B) is for financial management and obligates more than $500,000 annually;

''(C) has significant program or policy implications;

''(D) has high executive visibility;

''(E) has high development, operating, or maintenance costs;

''(F) is funded through other than direct appropriations; or

''(G) is defined as major by the agency's capital planning and investment control process.

''(11) LIFE CYCLE COST.—The term 'life cycle cost' means the total cost of an IT investment project for planning, research and development, modernization, enhancement, operation, and maintenance.

''(12) ORIGINAL BASELINE.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the term 'Original Baseline' means the ANSI EIA–748–B Standard-compliant Earned Value Management benchmark established at the commencement of an IT investment project.

''(B) GROSSLY DEVIATED PROJECT.—If an IT investment project grossly deviates from its Original Baseline (as defined in subparagraph (A)), the term 'Original Baseline' means the ANSI EIA–748–B Standard-compliant Earned Value Management benchmark established under subsection (e)(3)(C).

''(13) SIGNIFICANTLY DEVIATED.—The term 'significantly deviated' means Earned Value Management variance that is at least 20 percent from the Original Baseline.

''(b) CORE IT INVESTMENT PROJECTS DESIGNATION.—Each Chief Information Officer, with approval by the Agency Head, shall—

''(1) identify the major IT investments that are the most critical to the agency; and

''(2) designate any project as a 'core IT investment project' or a 'core project', upon determining that the project is a mission critical IT investment project that—

''(A) represents a significant high dollar value relative to the average IT investment project in the agency's portfolio;

''(B) delivers a capability critical to the successful completion of the agency mission, or a portion of such mission;

''(C) incorporates unproven or previously undeveloped technology to meet primary project technical requirements; or

''(D) would have a significant negative impact on the successful completion of the agency mission if the project experienced significant cost, schedule, or performance deviations.

''(c) COST, SCHEDULE, AND PERFORMANCE REPORTS.—

''(1) QUARTERLY REPORTS.—Not later than 14 days after the end of each fiscal quarter, the project manager designated by the Agency Head for an IT investment project shall submit a written report to the Chief Information Officer that includes, as of the last day of the applicable quarter—

''(A) a description of the cost, schedule, and performance of all projects under the project manager's supervision;

''(B) the original and current project cost, schedule, and performance benchmarks for each project under the project manager's supervision;

''(C) the quarterly and cumulative cost, schedule, and performance variance related to each IT investment project under the project manager's supervision since the commencement of the project;

''(D) for each project under the project manager's supervision, any known, expected, or anticipated changes to project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

''(E) the current cost, schedule, and performance status of all projects under supervision that were previously identified as significantly deviated or grossly deviated; and

''(F) any corrective actions taken to address problems discovered under subparagraphs (C) through (E).

''(2) INTERIM REPORTS.—If the project manager for an IT investment project determines that there is reasonable cause to believe that an IT investment project has significantly deviated or grossly deviated since the issuance of the latest quarterly report, the project manager shall submit to the Chief Information Officer, not later than 14 days after such determination, a report on the project that includes, as of the date of the report—

''(A) a description of the original and current program cost, schedule, and performance benchmarks;

''(B) the cost, schedule, or performance variance related to the IT investment project since the commencement of the project;

''(C) any known, expected, or anticipated changes to the project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

''(D) the major reasons underlying the significant or gross deviation of the project; and

''(E) a corrective action plan to correct such deviations.

''(d) DETERMINATION OF SIGNIFICANT DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has significantly deviated; and

''(B) report such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has significantly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a significant deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit a report to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

''(A) written notification of such determination;

''(B) the date on which such determination was made;

''(C) the amount of the cost increases and the extent of the schedule delays with respect to such project;

''(D) any requirements that—

''(i) were added subsequent to the original contract; or

''(ii) were originally contracted for, but were changed by deferment or deletion from the original schedule, or were otherwise no longer included in the requirements contracted for;

''(E) an explanation of the differences between—

''(i) the estimate at completion between the project manager, any contractor, and any independent analysis; and

''(ii) the original budget at completion;

''(F) a statement of the reasons underlying the project's significant deviation; and

''(G) a summary of the plan of action to remedy the significant deviation.

''(3) DEADLINE.—

''(A) NOTIFICATION BASED ON QUARTERLY REPORT.—If the determination of significant deviation is based on a report submitted under subsection (c)(1), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the end of the quarter upon which such report is based.

''(B) NOTIFICATION BASED ON INTERIM REPORT.—If the determination of significant deviation is based on a report submitted under subsection (c)(2), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the submission of such report.

''(e) DETERMINATION OF GROSS DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has grossly deviated; and

''(B) report any such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has grossly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a gross deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit a report to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

''(A) written notification of such determination, which—

''(i) identifies the date on which such determination was made; and

''(ii) indicates whether or not the project has been previously reported as a significant or gross deviation by the Chief Information Officer, and the date of any such report;

''(B) incorporations by reference of all prior reports to Congress on the project required under this section;

''(C) updated accounts of the items described in subparagraphs (C) through (G) of subsection (d)(2);

''(D) the original estimate at completion for the project manager, any contractor, and any independent analysis;

''(E) a graphical depiction that shows monthly planned expenditures against actual expenditures since the commencement of the project;

''(F) the amount, if any, of incentive or award fees any contractor has received since the commencement of the contract and the reasons for receiving such incentive or award fees;

''(G) the project manager's estimated cost at completion and estimated completion date for the project if current requirements are not modified;

''(H) the project manager's estimated cost at completion and estimated completion date for the project based on reasonable modification of such requirements;

''(I) an explanation of the most significant occurrence contributing to the variance identified, including cost, schedule, and performance variances, and the effect such occurrence will have on future project costs and program schedule;

''(J) a statement regarding previous or anticipated rebaselining or replanning of the project and the names of the individuals responsible for approval;

''(K) the original life cycle cost of the investment and the expected life cycle cost of the investment expressed in constant base year dollars and in current dollars; and

''(L) a comprehensive plan of action to remedy the gross deviation, and milestones

established to control future cost, schedule, and performance deviations in the future.

''(3) REMEDIAL ACTION.—

''(A) IN GENERAL.—If the Chief Information Officer determines under paragraph (1)(A) that an IT investment project has grossly deviated, the Agency Head, in consultation with the Chief Information Officer and the appropriate project manager, shall develop and implement a remedial action plan that includes—

''(i) a report that—

''(I) describes the primary business case and key functional requirements for the project;

''(II) describes any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price type contract;

''(III) includes a certification by the Agency Head, after consultation with the Chief Information Officer, that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case;

''(IV) describes any changes to the primary business case or key functional requirements which have occurred since project inception; and

''(V) includes an independent government cost estimate for the project conducted by an entity approved by the Director;

''(ii) an analysis that—

''(I) describes agency business goals that the project was originally designed to address;

''(II) includes a gap analysis of what project deliverables remain in order for the agency to accomplish the business goals referred to in subclause (I);

''(III) identifies the 3 most cost-effective alternative approaches to the project which would achieve the business goals referred to in subclause (I); and

''(IV) includes a cost-benefit analysis, which compares—

''(aa) the completion of the project with the completion of each alternative approach, after factoring in future costs associated with the termination of the project; and

''(bb) the termination of the project without pursuit of alternatives, after factoring in foregone benefits; and

''(iii) a new baseline of the project is established that is consistent with the independent government cost estimate required under clause (i)(V); and

''(iv) the project is designated as a core IT investment project and subjected to the requirements under subsection (f).

''(B) SUBMISSION TO CONGRESS.—The remedial action plan and all corresponding reports, analyses, and actions under this paragraph shall be submitted to the appropriate congressional committees and the Director.

''(C) REPORTING AND ANALYSIS EXEMPTIONS.—

''(i) IN GENERAL.—The Chief Information Officer, in coordination with the Agency Head and the Director, may forego the completion of any element of a report or analysis under clause (i) or (ii) of subparagraph (A) if the Chief Information Officer determines that such element is not relevant to the understanding of the difficulties facing the project or that such element does not further the remedial steps necessary to ensure that the project is completed in a timely and cost-efficient manner.

''(ii) IDENTIFICATION OF REASONS.—The Chief Information Officer shall include the reasons for not including any element referred to in clause (i) in the report submitted to Congress under subparagraph (B).

''(4) DEADLINE AND FUNDING CONTINGENCY.—

''(A) NOTIFICATION AND REMEDIAL ACTION BASED ON QUARTERLY REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(1), the Agency Head shall—

''(I) not later than 45 days after the end of the quarter upon which such report is based, notify the appropriate congressional committees and the Director in accordance with paragraph (2); and

''(II) not later than 180 days after the end of the quarter upon which such report is based, ensure the completion of remedial action under paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

''(B) NOTIFICATION AND REMEDIAL ACTION BASED ON INTERIM REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(2), the Agency Head shall—

''(I) not later than 45 days after the submission of such report, notify the appropriate congressional committees in accordance with paragraph (2); and

''(II) not later than 180 days after the submission of such report, ensure the completion of remedial action in accordance with paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

''(f) ADDITIONAL REQUIREMENTS FOR CORE IT INVESTMENT PROJECT REPORTS.—

''(1) INITIAL REPORT.—If a remedial action plan described in subsection (e)(3)(A) has not been submitted for a core IT investment project, the Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall prepare an initial report for inclusion in the first budget submitted to Congress under section 1105(a) of title 31, United States Code, after the designation of a project as a core IT investment project, which includes—

''(A) a description of the primary business case and key functional requirements for the project;

''(B) an identification and description of any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price contracts;

''(C) an independent government cost estimate for the project;

''(D) certification by the Chief Information Officer that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case; and

''(E) any changes to the primary business case or key functional requirements which have occurred since project inception.

''(2) QUARTERLY REVIEW OF BUSINESS CASE.—The Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall—

''(A) monitor the primary business case and core functionality requirements reported to Congress and the Director for designated core IT investment projects; and

''(B) if changes to the primary business case or key functional requirements for a core IT investment project occur in any fiscal quarter, submit a report to Congress and the Director not later than 14 days after the end of such quarter that details the changes and describes the impact the changes will have on the cost and ultimate effectiveness of the project.

''(3) ALTERNATIVE SIGNIFICANT DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have significantly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the significant deviation; and

''(B) the Agency Head shall fulfill the requirements under subsection (d)(2) in accordance with the deadlines under subsection (d)(3).

''(4) ALTERNATIVE GROSS DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have grossly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the gross deviation; and

''(B) the Agency Head shall fulfill the requirements under subsections (e)(2) and (e)(3) in accordance with subsection (e)(4).''.

(b) INCLUSION IN THE BUDGET SUBMITTED TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''include in each budget the following:'' and inserting ''include in each budget—'';

(2) by redesignating the second paragraph (33) (as added by section 889(a) of Public Law 107–296) as paragraph (35);

(3) in each of paragraphs (1) through (34), by striking the period at the end and inserting a semicolon;

(4) in paragraph (35), as redesignated by paragraph (2), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(36) the reports prepared under section 11317(f) of title 40, United States Code, relating to the core IT investment projects of the agency.''.

(c) IMPROVEMENT OF INFORMATION TECHNOLOGY ACQUISITION AND DEVELOPMENT.—Subchapter II of chapter 113 of title 40, United States Code, is amended by adding at the end the following:

''SEC. 11319. ACQUISITION AND DEVELOPMENT.

''(a) PURPOSE.—The objective of this section is to significantly reduce—

''(1) cost overruns and schedule slippage from the estimates established at the time the program is initially approved;

''(2) the number of requirements and business objectives at the time the program is approved that are not met by the delivered products; and

''(3) the number of critical defects and serious defects in delivered information technology.

''(b) OMB GUIDANCE.—The Director of the Office of Management and Budget shall—

''(1) not later than 180 days after the date of the enactment of this section, prescribe uniformly applicable guidance for agencies to implement the requirements of this section, which shall not include any exemptions to such requirements not specifically authorized under this section; and

''(2) take any actions that are necessary to ensure that Federal agencies are in compliance with the guidance prescribed pursuant to paragraph (1) not later than 1 year after the date of the enactment of this section.

''(c) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of the enactment of this section, each Chief Information Officer, upon the approval of the Agency Head (as defined in section 11317(a) of title 40, United States Code) shall establish a program to improve the information technology (referred to in this section as 'IT') processes overseen by the Chief Information Officer.

''(d) PROGRAM REQUIREMENTS.—Each program established pursuant to this section shall include—

''(1) a documented process for IT acquisition planning, requirements development and management, project management and oversight, earned-value management, and risk management;

''(2) the development of appropriate metrics that can be implemented and monitored on a real-time dashboard for performance measurement of—

''(A) processes and development status of investments;

''(B) continuous process improvement of the program; and

''(C) achievement of program and investment outcomes;

''(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education, at an institution or institutions approved by the Director, in the planning, acquisition, execution, management, and oversight of IT;

''(4) a process to ensure that the agency implements and adheres to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of IT programs and developments; and

''(5) a process for the Chief Information Officer to intervene or stop the funding of an IT investment if it is at risk of not achieving major project milestones.

''(e) ANNUAL REPORT TO OMB.—Not later than the last day of February of each year, the Agency Head shall submit a report to the Office of Management and Budget that includes—

''(1) a detailed summary of the accomplishments of the program established by the Agency Head pursuant to this section;

''(2) the status of completeness of implementation of each of the program requirements, and the date each such requirement was deemed to be completed;

''(3) the percentage of Federal IT projects covered under the program compared to all of the IT projects of the agency, listed by number of programs and by annual dollars expended;

''(4) a detailed breakdown of the sources and uses of the amounts spent by the agency during the previous fiscal year to support the activities of the program;

''(5) a copy of any guidance issued under the program and a statement regarding whether each such guidance is mandatory;

''(6) the identification of the metrics developed in accordance with subsection (b)(2);

''(7) a description of how paragraphs (3) and (4) of subsection (b) have been implemented and any related agency guidance; and

''(8) a description of how agencies will continue to review and update the implementation and objectives of such guidance.

''(f) ANNUAL REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall provide an annual report to Congress on the status and implementation of the program established pursuant to this section.''.

(d) CLERICAL AMENDMENTS.—The table of sections for chapter 113 of title 40, United States Code, is amended—

(1) by striking the item relating to section 11317 and inserting the following:

''11317. Significant and gross deviations.'';

and

(2) by inserting after the item relating to section 11318 the following:

''11319. Acquisition and development.''.

SEC. 5. IT TIGER TEAM.

(a) PURPOSE.—The Director of the Office of Management of Budget (referred to in this section as the ''Director''), in consultation with the Administrator of the Office of Electronic Government and Information and Technology at the Office of Management and Budget (referred to in this section as the ''E-Gov Administrator''), shall assist agencies in avoiding significant and gross deviations in the cost, schedule, and performance of IT investment projects (as such terms are defined in section 11317(a) of title 40, United States Code).

(b) IT TIGER TEAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the E-Gov Administrator shall establish a small group of individuals (referred to in this section as the ''IT Tiger Team'') to carry out the purpose described in subsection (a).

(2) QUALIFICATIONS.—Individuals selected for the IT Tiger Team—

(A) shall be certified at the Senior/Expert level according to the Federal Acquisition Certification for Program and Project Managers (FAC–P/PM);

(B) shall have comparable education, certification, training, and experience to successfully manage high-risk IT investment projects; or

(C) shall have expertise in the successful management or oversight of planning, architecture, process, integration, or other technical and management aspects using proven process best practices on high-risk IT investment projects.

(3) NUMBER.—The Director, in consultation with the E-Gov Administrator, shall determine the number of individuals who will be selected for the IT Tiger Team.

(c) OUTSIDE CONSULTANTS.—

(1) IDENTIFICATION.—The E-Gov Administrator shall identify consultants in the private sector who have expert knowledge in IT program management and program management review teams. Not more than 20 percent of such consultants may be formally associated with any 1 of the following types of entities:

(A) Commercial firms.

(B) Nonprofit entities.

(C) Federally funded research and development centers.

(2) USE OF CONSULTANTS.—

(A) IN GENERAL.—Consultants identified under paragraph (1) may be used to assist the IT Tiger Team in assessing and improving IT investment projects.

(B) LIMITATION.—Consultants with a formally established relationship with an organization may not participate in any assessment involving an IT investment project for which such organization is under contract to provide technical support.

(C) EXCEPTION.—The limitation described in subparagraph (B) may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(3) CONTRACTS.—The E-Gov Administrator, in conjunction with the Administrator of the General Services Administration (GSA), may establish competitively bid contracts with 1 or more qualified consultants, independent of any GSA schedule.

(d) INITIAL RESPONSE TO ANTICIPATED SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines there is reasonable cause to believe that a major IT investment project is likely to significantly or grossly deviate (as defined in section 11317(a) of title 40, United States Code), including the receipt of inconsistent or missing data, or if the E–Gov Administrator determines that the assignment of 1 or more members of the IT Tiger Team could meaningfully reduce the possibility of significant or gross deviation, the E-Gov Administrator shall carry out the following activities:

(1) Recommend the assignment of 1 or more members of the IT Tiger Team to assess the project in accordance with the scope and time period described in section 11317(c)(1) of title 40, United States Code, beginning not later than 14 days after such recommendation. No member of the Tiger Team who is associated with the department or agency whose IT investment project is the subject of the assessment may be assigned to participate in this assessment. Such limitation may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(2) If the E-Gov Administrator determines that 1 or more qualified consultants are needed to support the efforts of the IT Tiger Team under paragraph (1), negotiate a contract with the consultant to provide such support during the period in which the IT Tiger Team is conducting the assessment described in paragraph (1).

(3) Ensure that the costs of an assessment under paragraph (1) and the support services of 1 or more consultants under paragraph (2) are paid by the major IT investment project being assessed.

(4) Monitor the progress made by the IT Tiger Team in assessing the project.

(e) REDUCTION OF SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines that the assessment conducted under subsection (d) confirms that a major IT investment project is likely to significantly or grossly deviate, the E-Gov Administrator shall recommend that the Agency Head (as defined in section 11317(a)(1) of title 40, United States Code) take steps to reduce the deviation, which may include—

(1) providing training, education, or mentoring to improve the qualifications of the program manager;

(2) replacing the program manager or other staff;

(3) supplementing the program management team with Federal Government employees or independent contractors;

(4) terminating the project; or

(5) hiring an independent contractor to report directly to senior management and the E-Gov Administrator.

(f) REPROGRAMMING OF FUNDS.—

(1) AUTHORIZATION.—The Director may direct an Agency Head to reprogram amounts which have been appropriated for such agency to pay for an assessment under subsection (d).

(2) NOTIFICATION.—An Agency Head who reprograms appropriations under paragraph (1) shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of any such reprogramming.

(g) REPORT TO CONGRESS.—The Director shall include in the annual Report to Congress on the Benefits of E-Government Initiatives a detailed summary of the composition and activities of the IT Tiger Team, including—

(1) the number and qualifications of individuals on the IT Tiger Team;

(2) a description of the IT investment projects that the IT Tiger Team has worked during the previous fiscal year;

(3) the major issues that necessitated the involvement of the IT Tiger Team to assist agencies with assessing and managing IT investment projects and whether such issues were satisfactorily resolved;

(4) if the issues referred to in paragraph (3) were not satisfactorily resolved, the issues still needed to be resolved and the Agency Head's plan for resolving such issues;

(5) a detailed breakdown of the sources and uses of the amounts spent by the Office of Management and Budget and other Federal agencies during the previous fiscal year to support the activities of the IT Tiger Team; and

(6) a determination of whether the IT Tiger Team has been effective in—

(A) preventing projects from deviating from the original baseline; and

(B) assisting agencies in conducting appropriate analysis and planning before a project is funded.

SEC. 6. AWARDS FOR PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to award to any Federal Government employee or teams of such employees recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

Ms. COLLINS. Mr. President. I am pleased to join Senator CARPER in reintroducing a bill that will improve agency performance and Congressional oversight of major federal information-technology, IT, projects. We introduced this bill last Congress and offer it for consideration again because it will strengthen oversight of technology investments to help prevent the waste and misuse of taxpayer dollars.

The well-publicized cost and performance problems with the Census Bureau's handheld computers for the 2010 Census—with its troubling implications for the next House reapportionment and for the allocation of Federal funds—represent only the most recent and conspicuous failure in a long trail of troubles that also includes critical IT projects like the FBI's Virtual Case File initiative.

The 2010 Census is notable among projects that have drawn our attention, not only because of its great scope and expense, but because of its history of unheeded cautions. For years, warnings of potential dangers came from experts sought out by the Census Bureau itself and from the Commerce Department's own Inspector General.

The implications of this lack of proper planning and oversight are evident in the burgeoning estimate for the lifecycle cost of the 2010 Census. The Bureau initially estimated that the 2010 Census would cost the taxpayers about $11.3 billion dollars; today, the estimated cost is more than $14 billion.

Another example is the Department of Homeland Security's, DHS, efforts since 2004 to integrate its financial management systems. DHS spent approximately $52 million on one failed attempt before abandoning the project nearly two years later. According to GAO, this attempt likely failed because DHS had not developed an overall financial management transformation strategy that included financial management policies and procedures, standard business processes, a human capital strategy, and effective internal controls. DHS spent approximately $52 million and now has little, if anything, to show for it.

The Department of Homeland Security is now attempting another consolidation of its financial information technology systems. It is essential that, this time, the Department sufficiently plan and monitor its cost, schedule, and performance targets.

During the 108th Congress, the Committee on Governmental Affairs investigated the botched automated recordkeeping project for the federal employees' Thrift Savings Plan, TSP. This project was terminated in 2001 after a four-year contract produced $36 million in waste that was charged to the accounts of TSP participants and beneficiaries. A second vendor needed an additional $33 million to bring the system online, years overdue and costing more than double its original estimate.

In a 2004 letter from the Federal Retirement Thrift Investment Board to the Governmental Affairs Committee, the Board characterized the project as ''ill-fated,'' and acknowledged the importance of careful planning, task definition, communication, proper personnel, and risk management—all of which were lacking on that project.

Large IT project failures have cost US taxpayers literally billions of dollars in wasted expenditures. Perhaps even more troubling is the fact that when Federal IT projects fail, they can undermine the government's ability to defend the nation, enforce its laws, or deliver critical services to citizens. Again and again, we have seen IT project failures grounded in poor planning, ill-defined and shifting requirements, undisclosed difficulties, poor risk management, and lax monitoring of performance.

Unfortunately, as the Government Accountability Office, GAO, continues to report, Federal IT projects still fall short in their use of effective oversight techniques to monitor development and to spot signs of possible trouble.

The GAO reported that the Federal Government spent over $71 billion in fiscal year 2009 on IT projects. Most of that spending was concentrated in two dozen agencies that have approximately 800 major projects underway.

When the GAO reviewed a random sampling of these major Federal IT projects, they found that 85—nearly half the sample—had been ''rebaselined.'' Eighteen of those projects have been rebaselined three or more times. For example, the Department of Defense Advanced Field Artillery Tactical Data System has been rebaselined four times; a Veterans Affairs Health Administration Center project has been rebaselined 6 times.

Rebaselining can reflect funding changes, revisions in project scope or goals, and other perfectly reasonable project modifications. But as the GAO notes, ''[rebaselining] can also be used to mask cost overruns and schedule delays.'' All major federal agencies have rebaselining policies, but the GAO concludes that they are not comprehensive and that ''none of the policies are fully consistent with best practices.''

The bill that Senator CARPER and I are introducing will go far toward addressing the weaknesses identified by the GAO and will reduce the risks that important Federal IT projects will drag on far beyond deadlines, fail to deliver intended capabilities, or waste taxpayers' money.

Our bill will improve both agency and Congressional oversight of large Federal IT projects. For all major investments, the bill requires agencies to track the Earned Value Management index, a key cost and performance measure, and to alert Congress should that measure fall below a defined threshold.

The bill requires additional reports to Congress as well as specific corrective actions should those same indicators continue to worsen. Further, because the bill's performance thresholds are based on original cost baselines, rebaselining can no longer serve as a tactic to hide troubled projects. Where severe shortfalls remain uncorrected, agencies are prohibited from committing additional funds to the project until the required corrective actions are taken.

Our bill would not make Congress a micro-manager of Federal projects—especially in so complex a field as information technology. But it will ensure that, for these important investments, agencies will be required to track key performance metrics, inform Congress of shortfalls in those metrics, and provide Congress with follow-up reports, independent cost estimates, and analyses of project alternatives when the original projects have run off course.

The bill also provides that each covered agency identify to Congress their top mission-critical projects. Those ''core investments'' would be subject to additional upfront planning, reporting, and performance monitoring requirements. This will help ensure that agencies apply extra vigilance to these projects at the planning stage, and not just when execution begins.

In addition to tracking cost and schedule slippage, agencies making

core IT investments must provide a complete ''business case'' that outlines the need for the project and its associated costs and schedules; produce a rigorous, independent, third-party estimate of the project's full, life-cycle costs; have the agency CIO certify the project's functional requirements; track these functional requirements; and report to Congress any changes in functional requirements, including whether those changes concealed a major cost increase.

To help agencies deliver IT projects on time and on budget, the bill also provides two new support mechanisms.

First, agency heads would be required to establish an internal IT-management program, subject to OMB guidelines, to improve project planning, requirements development, and management of earned value and risk.

Second, the Director of OMB and its E-Gov Administrator would be required to establish an IT Tiger Team of experts and independent consultants that can be assigned to help agencies reform troubled projects. In addition, the E-Gov Administrator can recommend that agency heads mentor or replace an IT project manager, reinforce the management team, terminate the project, or hire an independent contractor to report on the project.

These and other provisions will help improve project planning, avoid problems in project execution, provide early alerts when problems arise, and promote prompt corrective action.

In projects where difficulties persist, our bill provides strong remedies. For projects that exhibit a performance shortfall of 20 percent or more, the agency head involved must not only alert Congress but also provide a summary of a concrete plan of action to correct the problem. If the shortfall exceeds 40 percent, agencies have six months to take required remedial steps or else suspend further project spending until those steps are completed.

If the provisions of this bill had been in force during the past decade, early indicators of trouble and prompt warnings to Congress might have helped prevent much of the added cost, decreased functionality, and increased anxiety we now see surrounding the handheld computers that were intended to streamline the 2010 Census. The additional scrutiny of plans and costs required by this bill might have saved some of the billions wasted on other IT projects that ultimately landed on high-risk lists.

I urge every Senator to support this much-needed and bipartisan bill.

By Mr. CARPER:

S. 921. A bill to amend chapter 35 of title 44, United States Code, to recognize the interconnected nature of the Internet and agency networks, improve situational awareness of Government cyberspace, enhance information security of the Federal Government, unify policies, procedures, and guidelines for securing information systems and national security systems, establish security standards for Government purchased products and services, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. 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 placed in the RECORD, as follows:

S. 921

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 ''United States Information and Communications Enhancement Act of 2009'' or the ''U.S. ICE Act of 2009''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The development of an interconnected global information infrastructure has significantly enhanced the productivity, prosperity, and collaboration of people, business, and governments worldwide.

(2) The information infrastructure of the United States is a strategic national resource vital to our democracy, economy, and security.

(3) The Federal Government must increasingly rely on a trusted and resilient information infrastructure to effectively and efficiently communicate with and deliver services to citizens, enhance economic prosperity, defend the Nation from attack, and recover from natural disasters.

(4) Since 2002 the Federal Government has experienced multiple high-profile breaches that resulted in the theft of sensitive information amounting to more than the entire print collection contained in the Library of Congress, including personally identifiable information, advanced scientific research, and prenegotiated United States diplomatic positions.

(5) On March 12, 2008 witnesses testified before a hearing held by the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs of the Senate that—

(A) implementation of the Federal Information Security Management Act of 2002 (Public Law 107–296; 116 Stat. 2135) wastes agency resources on paperwork exercise instead of security;

(B) agencies do not fully understand what information they hold, who has access to that information, and whether the information has been compromised; and

(C) agencies lack effective coordination for mitigating and responding to cyber-related incidents.

(6) The Federal Information Security Management Act of 2002 (Public Law 107–296; 116 Stat. 2135) needs to be amended to increase the coordination of agency activities to enhance situational awareness throughout the Federal Government using more effective enterprise-wide automated monitoring, detection, and response capabilities.

SEC. 3. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3551. Definitions

''(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) In this subchapter:

''(1) The term 'adequate security' means security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to, or modification, of information.

''(2) The term 'Director' means the Director of the National Office for Cyberspace.

''(3) The term 'incident' means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

''(4) The term 'information infrastructure' means the underlying framework that information systems and assets rely on in processing, transmitting, receiving, or storing information electronically.

''(5) The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

''(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

''(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

''(C) availability, which means ensuring timely and reliable access to and use of information.

''(6) The term 'information technology' has the meaning given that term in section 11101 of title 40.

''(7)(A) The term 'national security system' means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''§ 3552. National Office for Cyberspace

''(a) There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

''(b) There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of the appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to achieving an assured, reliable, secure, and survivable

global information and communications infrastructure and related capabilities.

"§ 3553. Authority and functions of the National Office for Cyberspace

''(a) The Director shall develop and implement a comprehensive national cyberspace strategy to ensure a trusted and resilient communications and information infrastructures that—

''(1) enhances economic prosperity and facilitates market leadership for the United States information and communications industry;

''(2) deters, prevents, detects, defends against, responds to, and remediates interruptions and damage to United States information and communications infrastructure;

''(3) ensures United States capabilities to operate in cyberspace in support of national goals; and

''(4) protects privacy rights and preserving civil liberties of United States persons.

''(b) Notwithstanding any provision of law, regulation, rule, or policy to the contrary, the National Office for Cyberspace may—

''(1) direct the sponsorship of the security clearances for Federal officers and employees (including experts and consultants employed under section 3109) whose responsibilities involve critical infrastructure in the interest of national security; and

''(2) employ experts and consultants under section 3109 for cyber security-related work.

''(c) With respect to responsibilities with the Federal Government, the National Office for Cyberspace shall—

''(1) provide recommendations to agencies on measures that shall be required to be implemented to mitigate vulnerabilities, attacks, and exploitations discovered as a result of activities required pursuant to this section;

''(2) oversee the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3556;

''(3) to the extent practicable—

''(A) prioritize the policies, principles, standards, and guidelines developed under section 3556 based upon the threat, vulnerability and consequences of an information security incident; and

''(B) develop guidance that requires agencies to actively monitor the effective implementation of policies, principles, standards, and guidelines developed under section 3556;

''(4) require agencies, consistent with the standards promulgated under such section 3556 and the requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(A) information collected or maintained by or on behalf of an agency; or

''(B) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(5) coordinate and ensure that the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and standards and guidelines developed for national security systems are, to the maximum extent practicable, complementary and unified;

''(6) oversee agency compliance with the requirements of this subchapter, including coordinating with the Office of Management and Budget to use any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

''(7) review at least annually, and approving or disapproving, agency information security programs required under section 3554(b); and

''(8) coordinate information security policies and procedures with related information resources management policies and procedures.

''(d)(1) After consultation with the appropriate agencies, the Director shall oversee the effective implementation of government-wide operational evaluations on a frequent and recurring basis to evaluate whether agencies effectively—

''(A) monitor, detect, analyze, protect, report, and respond against known vulnerabilities, attacks, and exploitations;

''(B) report to and collaborate with the appropriate public and private security operation centers and law enforcement agencies; and

''(C) mitigate the risk posed by previous successful exploitations in a timely fashion and in order to prevent future vulnerabilities, attacks, and exploitations.

''(2) Not later than 30 days after receiving an operational evaluation under this subsection, the Director shall ensure agencies evaluated under paragraph (1) develop a plan for addressing recommendations and mitigating vulnerabilities contained in the security reports identified under paragraph (1), including a timeline and budget for implementing such plan.

''(e) Not later than March 1 of each year, the Director shall submit a report to Congress on the overall information security posture of the communications and information infrastructure of the United States, including—

''(1) the evaluations conducted under subsection (d) for the United States Government;

''(2) a detailed assessment of the overall resiliency of the communications and information infrastructure effectiveness of the United States and the United States Government including the ability to monitor, detect, mitigate, and respond to an incident;

''(3) a detailed assessment the information security effectiveness of each agency, including the ability to monitor, detect, mitigate, collaborate, and respond to an incident;

''(4) a detailed assessment of operational evaluations performed during the preceding fiscal year, the results of such evaluations, and any actions that remain to be taken under plans included in corrective action reports under subsection (d);

''(5) a detailed assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3554, and recommendations for enhancement;

''(6) a detailed assessment of significant deficiencies in the information security and reporting practices of the Federal Government as applicable to each agency;

''(7) planned remedial action to address deficiencies described under paragraph (6), including an associated budget and recommendations for relevant executive and legislative branch actions;

''(8) a summary of the results of the independent evaluations under section 3555; and

''(9) a detailed assessment of the effectiveness of reporting to the National Cyber Investigative Joint Task Force under section 3554.

''(f) Evaluations and any other descriptions of information systems under the authority and control of the Director of National Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

''(g)(1) In collaboration with the private sector and in coordination with the Director of the Office of Management and Budget, the National Institute of Standards and Technology, and the General Service Administration, the Director shall develop and implement policy, guidance, and regulations that cost effectively enhance the security of the Federal Government, including policy, guidance, and regulations that—

''(A) to the extent practicable, standardize security requirements (also known as 'lock-down configurations') of commercial off-the-shelf products and services (including cloud products and services) purchased by the Federal Government;

''(B) to the extent practicable, obtain products and services with security configuration baselines consistent with available security standards and configurations and guidelines developed by the National Institute of Standards and Technology;

''(C) incentivize agencies to purchase standard products and services through the General Service Administration in order to reduce the vulnerabilities and costs associated with custom products and services; and

''(D) enable purchasing decisions to reasonably and appropriately account for significant supply chain security risks associated with any particular product or service.

''(2) Not later than 180 days after the date of enactment of the United States Information and Communications Enhancement Act of 2009, and annually thereafter, the Director shall submit a report to Congress that includes—

''(A) a description of the cost savings and security enhancements that can be achieved by using the purchasing power of the Federal Government; and

''(B) recommendations for legislative or executive branch actions necessary to achieve such cost savings.

"§ 3554. Agency responsibilities

''(a) The head of each agency shall—

''(1) be responsible for—

''(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by or on behalf of the agency; and

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

''(i) information security standards promulgated under section 3556;

''(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and

''(iii) ensuring the standards implemented for information systems and national security systems under the agency head are complementary and uniform, to the extent practicable; and

''(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

''(2) ensure that senior agency officials provide information security for the information and information systems that support the operations and assets under their control, including through—

''(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

''(B) determining the levels of information security appropriate to protect such information and information systems in accordance with standards promulgated under section 3556, for information security classifications and related requirements;

''(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

''(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

''(3) delegate to an agency official designated as the Chief Information Security Officer the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

''(A) overseeing the establishment and maintenance of a security operations capability that on an automated and continuous basis can—

''(i) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

''(ii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

''(iii) not later than 24 hours after discovery of any incident described under subparagraph (A), unless otherwise directed by policy of the National Office for Cyberspace, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and inspector general;

''(B) collaborating with the Administrator for E–Government and the Chief Information Officer to establish, maintain, and update an enterprise network, system, storage, and security architecture framework documentation to be submitted quarterly to the National Office for Cyberspace and the appropriate security operations center, that includes—

''(i) documentation of how technical, managerial, and operational security controls are implemented throughout the agency's information infrastructure; and

''(ii) documentation of how the controls described under subparagraph (A) maintain the appropriate level of confidentiality, integrity, and availability of information and information systems based on—

''(I) the policy of the Director;

''(II) the National Institute of Standards and Technology guidance; and

''(III) the Chief Information Officers Council recommended approaches;

''(C) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

''(D) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3553 and 3556;

''(E) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(F) assisting senior agency officials concerning their responsibilities under paragraph (2);

''(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

''(5) ensure that the agency Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

''(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

''(b) Each agency shall develop, document, and implement an agencywide information security program, approved by the Director under section 3553(a)(5), to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

''(1) periodic assessments—

''(A) of the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency; and

''(B) that recommend a prioritized description of which data and applications should be removed or migrated to more secure networks or standards;

''(2) penetration tests commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information systems; and

''(3) information security vulnerabilities are mitigated based on the risk posed to the agency;

''(4) policies and procedures that—

''(A) are based on the risk assessments required by paragraph (1);

''(B) cost effectively reduce information security risks to an acceptable level;

''(C) ensure that information security is addressed throughout the life cycle of each agency information system; and

''(D) ensure compliance with—

''(i) the requirements of this subchapter;

''(ii) policies and procedures as may be prescribed by the Director, and information security standards promulgated under section 3556;

''(iii) minimally acceptable system configuration requirements, as determined by the Director; and

''(iv) any other applicable requirements, including standards and guidelines for national security systems issued in accordance with law and as directed by the President;

''(5) subordinate plans for providing adequate information security for networks, facilities, and systems or groups of information systems, as appropriate;

''(6) role-based security awareness training to inform personnel with access to the agency network, including contractors and other users of information systems that support the operations and assets of the agency, of—

''(A) information security risks associated with their activities; and

''(B) their responsibilities in complying with agency policies and procedures designed to reduce these risks;

''(7) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

''(A) management, operational, and technical controls of every information system identified in the inventory required under section 3505(b); and

''(B) management, operational, and technical controls relied on for an evaluation under section 3555;

''(8) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

''(9) to the extent practicable, continuous technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director, including—

''(A) mitigating risks associated with such incidents before substantial damage is done;

''(B) notifying and consulting with the appropriate security operations response center; and

''(C) notifying and consulting with, as appropriate—

''(i) law enforcement agencies and relevant Offices of Inspectors General;

''(ii) the National Office for Cyberspace; and

''(iii) any other agency or office, in accordance with law or as directed by the President; and

''(10) plans and procedures to ensure continuity of operations for information systems that support the operations and assets of the agency.

''(c) Each agency shall—

''(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

''(A) the National Office for Cyberspace;

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

''(C) the Committee on Commerce, Science, and Transportation of the Senate;

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

''(E) the Committee on Homeland Security of the House of Representatives;

''(F) other appropriate authorization and appropriations committees of Congress; and

''(G) the Comptroller General.

''(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

''(A) annual agency budgets;

''(B) information resources management of this subchapter;

''(C) information technology management under this chapter;

''(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

''(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

''(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note);

''(G) internal accounting and administrative controls under section 3512 of title 31; and

''(H) performance ratings, salaries, and bonuses provided to the Chief Information Security Officer and supporting personnel taking into account program performance; and

''(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

''(A) as a material weakness in reporting under section 3512 of title 31; and

''(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial

Management Improvement Act (31 U.S.C. 3512 note).

''(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of—

''(A) the time periods; and

''(B) the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

''(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (b)(2)(1) and operational evaluations required under section 3553(d).

''(e) Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

''§ 3555. Annual independent evaluation

''(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency to determine the effectiveness of such program and practices.

''(2) Each evaluation under this section shall consist of—

''(A) testing of the effectiveness of information security policies, procedures, and practices of a representative subset of the information systems of the agency; and

''(B) an assessment (made on the basis of the results of the testing) of compliance with—

''(i) the requirements of this subchapter; and

''(ii) related information security policies, procedures, standards, and guidelines.

''(b)(1) For each agency with an Inspector General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.

''(2) For each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the evaluation.

''(c) The evaluation required by this section may be based in whole or in part on an audit, evaluation, or report relating to programs or practices of the applicable agency.

''(d) Each year, not later than such date established by the Director, the head of each agency shall submit to the Director the results of the evaluation required under this section.

''(e) Agencies and evaluators shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

''(f) The Comptroller General shall—

''(1) not later than 180 days after the date of enactment of the United States Communications and Information Enhancement Act of 2009 and after collaboration with the Director and the Inspectors General, develop and deliver standards for independent evaluations as required under this section that are risk-based and cost effective;

''(2) periodically evaluate and report to Congress on—

''(A) the adequacy and effectiveness of agency information security policies and practices; and

''(B) the implementation of the requirements of this subchapter.

''§ 3556. Responsibilities for Federal information systems standards

''(a)(1) The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), prescribe standards and guidelines pertaining to information systems, including national security systems.

''(2)(A) Standards prescribed under subsection (a)(1) shall include information security standards that—

''(i) to the extent practicable, are unified with standards and guidelines developed for information systems and national security systems to ensure the adequacy and effectiveness of information security and information sharing;

''(ii) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

''(iii) are otherwise necessary to improve the security of information and information systems, including information stored by third parties on behalf of the Federal Government.

''(B) Information security standards described in subparagraph (A) shall be compulsory and binding.

''(b) The President may disapprove or modify the standards and guidelines referred to in subsection (a)(1) if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

''(c) To ensure fiscal and policy consistency, the Secretary shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director of the Office of Management and Budget and the National Office for Cyberspace.

''(d) The National Office for Cyberspace and the head of an agency may employ standards for the cost effective information security for information systems within or under the supervision of that agency that are more stringent than the standards the Secretary prescribes under this section if the more stringent standards—

''(1) contain at least the applicable standards made compulsory and binding by the Secretary; and

''(2) are otherwise consistent with policies and guidelines issued under section 3553.

''(e) The decision by the Secretary regarding the promulgation of any standard under this section shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).''.

SEC. 4. AUTHORITY AND RESPONSIBILITY OF THE UNITED STATES COMPUTER EMERGENCY READINESS TEAM IN RELATION TO FEDERAL AGENCIES.

(a) DEFINITION.—In this section:

(1) The term ''agency'' has the meaning given under section 3502(1) of title 44, United States Code.

(2) The term ''US–CERT'' means the United States Computer Emergency Readiness Team.

(b) PURPOSES.—The purposes of this section are to recognize that US–CERT—

(1) is charged with providing response support and defense against cyber attacks for agencies and information sharing and collaboration with State and local government, industry, and international partners;

(2) interacts with agencies, industry, the research community, State and local governments, and others to disseminate reasoned and actionable cyber security information to the public;

(3) provides a way for citizens, businesses, and other institutions to communicate and coordinate directly with the United States Government about cyber security; and

(4) has continually enhanced its ability to monitor, detect, and respond to information security incidents that affect the Federal Government.

(c) COORDINATION WITH US–CERT.—The head of each agency shall ensure that the Chief Information Officer, Chief Information Security Officer, and security operations centers under the direction of that agency head shall establish policies, procedures, and guidance to effectively coordinate with the Director of US–CERT in a timely fashion to detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure.

(d) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in subparagraph (c) to ensure that US–CERT has the capability to effectively and efficiently detect, correlate, respond to, contain, and mitigate incidents that impair the adequate security of the information and information infrastructure of more than 1 agency. To the extent practicable, the capability shall be continuous and technically automated.

(e) SECURITY CLEARANCES; EXPERTS AND CONSULTANTS.—Notwithstanding any provision of law, regulation, rule, or policy to the contrary, the Director of US-CERT may—

(1) direct the sponsorship of the security clearances for Federal officers and employees (including experts and consultants employed under section 3109) whose responsibilities involve critical infrastructure in the interest of national security; and

(2) employ experts and consultants under section 3109 for cyber security-related work.

SEC. 5. AUTHORITY AND RESPONSIBILITY OF DEPARTMENTS NOT RELATED TO MILITARY FUNCTIONS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency''—

(A) means—

(i) an Executive department defined under section 101 of title 5, United States Code; and

(ii) an Executive agency that has multiple components which have separate and distinct enterprise architectures; and

(B) shall not include—

(i) the Department of Defense; or

(ii) any component of an Executive agency that is performing any national security function, including military intelligence.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given under section 105 of title 5, United States Code.

(b) PURPOSE.—The purpose of this section is to recognize that—

(1) agencies have developed and maintained separate and distinct enterprise architectures that inhibit the ability of an agency to ensure that components of that agency have effectively implemented security policies, procedures, and practices;

(2) the separate and distinct enterprise architectures have in many instances been at

the detriment of securing the agency information infrastructure (the civilian cyberspace) and exposed that infrastructure to unnecessary risk for an extended period of time; and

(3) a more uniform agency enterprise architecture will be more efficient and effective for the purposes of information sharing and ensuring the appropriate confidentiality, integrity, and availability of information and information systems.

(c) AGENCY COORDINATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that components of that agency shall establish an automated reporting mechanism that allows the Chief Information Security Officer and security operations center at the total agency level to implement and monitor the implementation of appropriate security policies, procedures, and controls of agency components.

(2) APPROVAL AND COORDINATION.—The activities conducted under paragraph (1) shall be—

(A) approved by the Director of the National Office for Cyberspace; and

(B) to the extent practicable, in coordination and complementary with activities—

(i) described under section 4; and

(ii) conducted by the Administrator for E-Government and Information Technology.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''Sec. 3551. Definitions.

''Sec. 3552. National Office for Cyberspace.

''Sec. 3553. Authority and functions of the National Office for Cyberspace.

''Sec. 3554. Agency responsibilities.

''Sec. 3555. Annual independent evaluation.

''Sec. 3556. Responsibilities for Federal information systems standards.''.

(b) OTHER REFERENCES.—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking ''section 3532(3)'' and inserting ''section 3551(b)''.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking ''section 3542(b)(2))'' and inserting ''section 3551(b)''.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking ''section 3542(b)(2))'' and inserting ''section 3551(b)''.

(4) Section 2315 of title 10, United States Code, is amended by striking ''section 3542(b)(2))'' and inserting ''section 3551(b)''.

(5) Section 20(a)(2) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended by striking ''section 3532(b)(2)'' and inserting ''section 3551(b)''.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking ''section 3534(b)'' and inserting ''section 3554(b)''.

SEC. 7. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect 30 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 115—RECOGNIZING THE CRUCIAL ROLE OF ASSISTANCE DOGS IN HELPING WOUNDED VETERANS LIVE MORE INDEPENDENT LIVES, EXPRESSING GRATITUDE TO THE TOWER OF HOPE, AND SUPPORTING THE GOALS AND IDEALS OF CREATING A TOWER OF HOPE DAY

Mr. LIEBERMAN submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 115

Whereas the brave men and women defending America's democracy in Iraq and Afghanistan are in harm's way;

Whereas thousands of America's returning veterans were seriously wounded in combat, including brain injuries, single and double amputations, and other traumatic wounds;

Whereas these brave soldiers return to the United States and spend weeks, months, and years in hospitals recovering, and return to their homes needing assistance to regain their independence;

Whereas these recovering soldiers who are teamed up with assistance dogs lead more comfortable and more independent lives;

Whereas these dogs provide assistance to wounded veterans while walking, going up and down stairs, and getting up from a sitting or fallen position, and also pick up dropped articles, retrieve items from a distance, pull manual wheelchairs a short distance, turn lights on and off, and perform other important daily tasks;

Whereas assistance animals offer priceless companionship and unconditional love on a daily basis;

Whereas there are fewer than 75 veterans from Iraq and Afghanistan who currently have assistance dogs, as many veterans cannot afford them or do not know about the benefits that assistance dogs provide;

Whereas severely wounded veterans currently have to wait up to 2 years before they can receive an assistance animal;

Whereas The Tower of Hope was created following the attacks of September 11, 2001, to bring hope to wounded veterans by providing them with assistance dogs at no cost; and

Whereas The Tower of Hope has substantially improved many lives by raising funds for the training of assistance dogs, providing grants for American combat wounded veterans, and advocating for the benefits of these animals: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the importance of assistance dogs in helping combat-wounded veterans live happier and more independent lives;

(2) applauds the outstanding work of The Tower of Hope and its dedication to training and providing assistance dogs to wounded veterans, as well as educating people about the benefits of such animals;

(3) expresses deep gratitude and support to volunteers and donors who have made this great program possible by generously offering time and funds;

(4) encourages the general public to support wounded veterans by volunteering or donating to help train assistance dogs;

(5) calls for a vigorous promotion of, and advocacy for, the benefits of assistance animals to physicians and the general public; and

(6) supports the goals and ideals of creating a Tower of Hope Day in honor of wounded American veterans and their service dogs, the work of The Tower of Hope, and the many generous donors.

SENATE RESOLUTION 116—COMMENDING THE HEAD COACH OF THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM, BILL SELF, FOR WINNING THE HENRY P. IBA COACH OF THE YEAR AWARD PRESENTED BY THE UNITED STATES BASKETBALL WRITERS ASSOCIATION AND FOR BEING NAMED THE SPORTING NEWS NATIONAL COACH OF THE YEAR AND THE BIG 12 COACH OF THE YEAR

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 116

Whereas after the University of Kansas men's basketball team won the 2008 National Collegiate Athletic Association (NCAA) Men's Basketball Division I Championship, all the most experienced players on the team went on to graduate or pursue their professional ambitions;

Whereas, despite this challenge, the Head Coach of the University of Kansas men's basketball team, Bill Self, led the 2009 team to an impressive 27–win season, in which the team ended the regular season at the top of the Big 12 Conference, and finished the 2009 NCAA Men's Basketball Division I tournament in the Sweet Sixteen;

Whereas, Coach Self has been a head coach for 16 years, winning 9 league championships in the last 11 years and guiding his teams through 11 consecutive 20-win seasons;

Whereas Coach Self is 1 of only 4 coaches in NCAA Men's Basketball Division I history to have led 3 different schools (the University of Tulsa, the University of Illinois, and the University of Kansas) to the Elite Eight in the NCAA Men's Basketball Division I tournament;

Whereas Coach Self has demonstrated the Kansas values of hard work, determination, pride, and spirit, and has instilled these values in the athletes he coaches;

Whereas during his career at the University of Kansas, Coach Self has coached 11 professional basketball players, and impacted the lives of hundreds of young men;

Whereas in 2009, Coach Self won the Henry P. Iba Coach of the Year Award presented by the United States Basketball Writers Association and was named the Sporting News National Coach of the Year and the Big 12 Coach of the Year; and

Whereas Coach Self is an asset to the country, the State of Kansas, and the University of Kansas: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Head Coach of the University of Kansas men's basketball team, Bill Self, for—

(A) winning the Henry P. Iba Coach of the Year Award presented by the United States Basketball Writers Association; and

(B) being named the Sporting News National Coach of the Year and the Big 12 Coach of the Year; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the Chancellor of the University of Kansas, Robert Hemenway;

(B) the Athletic Director of the University of Kansas, Lew Perkins; and

(C) the Head Coach the University of Kansas men's basketball team, Bill Self.

SENATE CONCURRENT RESOLUTION 20—AUTHORIZING THE LAST SURVIVING VETERAN OF THE FIRST WORLD WAR TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL UPON HIS DEATH

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 20

Whereas the veterans of the First World War fought bravely and made heroic sacrifices for the Allied forces;

Whereas the veterans of the First World War suffered the terrors of both trench warfare and the chemical battlefield;

Whereas the veterans of the First World War suffered the scourge of the Spanish influenza pandemic;

Whereas past resolutions have sought authorization for veterans, representative of specific wars, to lie in honor in the rotunda of the Capitol;

Whereas it is the desire of all veterans to honor both those who serve and those who have served in time of war and peace;

Whereas it is the Nation's collective desire to express its gratitude for the sacrifice and service of all First World War veterans; and

Whereas Frank Woodruff Buckles, born February 1, 1901, in Bethany, Missouri, and residing in Jefferson County, West Virginia, at age 108, is believed to be the last surviving United States veteran of the First World War: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING VETERANS OF THE FIRST WORLD WAR.

(a) IN GENERAL.—In recognition of the historic contributions of United States veterans who served in the First World War, the last surviving United States veteran of the First World War shall be permitted to lie in honor in the rotunda of the Capitol upon his death, so that the citizens of the United States may pay their last respects to these great Americans.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a), including, if necessary, scheduling the use of the rotunda of the Capitol for the purposes described in such subsection at such a time as such use will not coincide with the use of the Capitol for an Inauguration or a State of the Union address.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

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 Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 5, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate office building.

The purpose of the hearing is to consider the nomination of Daniel B. Poneman, to be Deputy Secretary of Energy, the nomination of David B. Sandalow, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), the nomination of Rhea S. Suh, to be an Assistant Secretary of the Interior, and the nomination of Michael L. Connor, to be Commissioner of Reclamation.

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 may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to Amanda kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 9 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 28, 2009, at 10 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 28, at 10 a.m., in room SD–366 of the Dirksen Senate office building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10 a.m. in room 406 of the Dirksen Senate office building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10 a.m., to hold a hearing entitled ''War Powers in the 21st Century''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. 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, to conduct a hearing entitled ''Introducing Meaningful Incentives for Safe Workplaces and Meaningful Roles for Victims and Their Families'' on Tuesday, April 28, 2009. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. 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, to conduct a hearing entitled ''Learning from the States: Individual State Experiences with Health Care Reform Coverage Initiatives in the Context of National Reform'' on Tuesday, April 28, 2009. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10 a.m. to conduct a hearing entitled ''Cyber Security: Developing a National Strategy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Victims of Crime Act: 25 Years of Protecting and Supporting Victims'' on Tuesday, April 28, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to

meet during the session of the Senate on Tuesday, April 28, 2009, at 10:30 a.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, April 28, 2009 at 2:30 p.m. to conduct a hearing entitled, ''Government 2.0: Advancing America into the 21st Century and a Digital Future.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 2:30 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. I ask unanimous consent that the following Finance Committee staff be granted floor privileges during consideration of the Sebelius nomination: Kelly Whitener, William Martinez, and Michael London.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES 13

Mr. DURBIN. I ask unanimous consent that on Wednesday, April 29, following a period of morning business, the Senate begin the statutory debate with respect to the conference report to accompany S. Con. Res. 13, notwithstanding the receipt of papers from the House; further, that when the Senate receives a message from the House regarding S. Con. Res. 13, the Senate then proceed to the consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 29, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, April 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, I ask unanimous consent that following morning business, the Senate proceed as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Senators should expect a vote on adoption of the budget conference report tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, April 29, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

PAUL N. STOCKTON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE PAUL MCHALE, RESIGNED.

DEPARTMENT OF COMMERCE

REBECCA M. BLANK, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE CYNTHIA A. GLASSMAN, RESIGNED.

LEGAL SERVICES CORPORATION

LAURIE I. MIKVA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010, VICE FLORENTINO SUBIA, TERM EXPIRED.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

ROBERT S. LITT, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE BENJAMIN A. POWELL, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, April 28, 2009:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHLEEN SEBELIUS, OF KANSAS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING JAMES MONROE, THE NATION'S FIFTH PRESIDENT

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. WITTMAN of Virginia. Madam Speaker, I am privileged to rise today to honor the birth and life of our nation's fifth president, James Monroe. Today, 251 years ago in 1758, James Monroe was born in a little farmhouse in Westmoreland County, Virginia.

Monroe, one of five children of Spence Monroe and Elizabeth Jones, was raised and educated in what is now the First District of the Commonwealth of Virginia. James Monroe entered the College of William and Mary in Williamsburg, Virginia at the age of 16. He left the college in 1775 to go to war, fighting with George Washington at Valley Forge.

Monroe married Elizabeth Kortright on February 16, 1786. The couple had three children: Eliza Kortright Monroe (1786–1835), James Spence Monroe (1799–1800), and Maria Hester Monroe (1803–1850).

As an aide to Governor Thomas Jefferson, Monroe studied and practiced law in Fredericksburg, Virginia. Monroe was an astute politician, serving as a member of the Virginia State Legislature, Governor of the Commonwealth of Virginia, Member of Congress and U.S. Senator, and Secretary of State and Secretary of War to President James Madison. Monroe served as Minister to France, under the first Jefferson administration, and assisted with the negotiation of the Louisiana Purchase.

James Monroe was elected the fifth President of the United States in 1817. During his early years in the White House, his administration was known as the ''Era of Good Feelings''. President Monroe went on two long national tours in order to gain the trust and faith of the American people. Monroe's strong opinions against foreign colonization or intervention in the Americas and his principles on foreign policy came to be known as the Monroe Doctrine, which he may be best remembered for. Monroe died there on July 4, 1831, the fifty-fifth anniversary of the signing of the Declaration of Independence.

The citizens of the Commonwealth of Virginia and Virginia's First Congressional District express their appreciation to James Monroe in honor of his birthday 251 years ago. As the last American President of the ''Virginia Dynasty'', James Monroe was a loyal public servant, a President of the people, as well as an exceptional statesman. His ideals and leadership qualities left a lasting legacy in the Commonwealth of Virginia and across the nation.

JEREMY ALLEN MANLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeremy Manley of Kansas City, Missouri. Jeremy 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 260, and earning the most prestigious award of Eagle Scout.

Jeremy has been very active with his troop, participating in many scout activities, such as white water rafting and hiking. Over the years Jeremy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jeremy Manley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

GREAT LAKES ICEBREAKER REPLACEMENT ACT

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise in strong support of H.R. 1747, the Great Lakes Icebreaker Replacement Act, because it is so important to promoting commercial activity on the Great Lakes.

Over a billion dollars worth of commerce takes place on the Great Lakes during the winter months, despite the harsh conditions. Half of Lake Michigan, for example, is covered in ice during the winter months.

Especially in this economy, we cannot afford to have business shut down simply because ice-breakers are spread to thinly across the Great Lakes. My State of Michigan currently has the highest unemployment in the country at about 12 percent, and many counties in my district are already near 20 percent. We need every job we can get in our State, including jobs that are supported by commercial activity on the Great Lakes.

One of the other impacts of unbroken ice is property damage. In my district along the St. Clair River, we have regularly seen problems caused by ice jams lead to flooding for many of my constituents.

This year, we saw a fairly spectacular occurrence in the town of Linwood, Michigan, when literal mountains of ice were blown up from Saginaw Bay and into people's yards and homes. Chunks of ice were piled up to 10 feet high in some places and excavators had to be brought in to remove the ice so that people could go about repairing damage to their windows and homes.

Many of the ice-breaking ships that we do have in the Great Lakes are nearing the end of their useful lives and have become vulnerable to mechanical failure in these harsh winter conditions.

Last fall, I was very concerned about the approaching winter and whether the Coast Guard would have sufficient ice-breaking capabilities to keep critical channels open. In fact, I joined a number of members in writing to Admiral Allen at the Coast Guard and urging him to provide additional resources to the Great Lakes to deal with the coming winter.

Finally, after that incident in Linwood, the Coast Guard did respond and assigned an additional cutter from Maine to come over and assist with ice-breaking, which has been of great assistance to us as we get the lakes fully opened up for the summer shipping season.

But the need for this bill has already been well established. This bill will authorize the Coast Guard to design and construct a new replacement ice-breaker for the Great Lakes. In addition to assisting with ice-breaking problems we have had on the Great Lakes, this bill will also put Americans to work building this vessel.

I urge my colleagues to support this bill, and I commend the chairman for putting this legislation forward.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FORTENBERRY. Madam Speaker, on Monday, April 27, 2009, I was unavoidably detained and thus I missed rollcall votes Nos. 207, 208, and 209. Had I been present, I would have voted ''yea'' on all three votes.

A PROCLAMATION HONORING DREW CANNON FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Drew Cannon showed hard work and dedication to the sport of basketball; and

Whereas, Drew Cannon was a supportive team player; and

Whereas, Drew Cannon always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Drew Cannon on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous

hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

HONORING THE ACCOMPLISHMENT OF CAPTAIN VANESA GILBERT OF HENDERSON COUNTY, NORTH CAROLINA, FOR COMPLETING FBI ACADEMY TRAINING

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SHULER. Madam Speaker, I rise today to honor a remarkable North Carolinian. On December 12, 2008, Captain Vanesa Gilbert became the first woman in Henderson County history to have completed FBI Academy training.

According to Henderson County Sheriff Rick Davis, only six local law enforcement officers, including Gilbert, have completed the intensive 11-week course at the academy in Quantico, Virginia. ''Captain Gilbert is a superior leader by any measure,'' he said. ''The FBI National Academy is the highest academic achievement in law enforcement. It is very challenging academically as well as physically. It was clear our agency and the county would benefit greatly by sending her.''

While Captain Gilbert admitted that she was nervous when she arrived at the Marine base, she excelled during the course and ultimately completed a three-mile obstacle course called ''the yellow brick road.'' For finishing the course, Gilbert received a plaque with a yellow brick on it and the dates she attended the academy.

Gilbert grew up in Hendersonville and graduated from Edneyville High School in 1992. In August of 1992, she moved to Greensboro to attain a two-year degree in law enforcement. In December of 1994, Gilbert completed her basic law enforcement training and moved back to Henderson County to work for the Sheriff's Office. At the Henderson County Sheriff's office, she worked as the Civil Process Secretary before being promoted to Corporal, and later to Lieutenant of the Civil Process division.

Upon completion of the FBI Academy Training, Gilbert was promoted to Captain of the Detention Center, courthouse security and the ICE program. Sheriff Rick Davis says of Gilbert, ''She is recognized by the whole department as a highly qualified thoughtful leader with exceptionally high standards. Don't let her size and charm fool you; if anyone fails to meet her work ethics, they will have awaken a giant they can't handle.''

It is with great respect and gratitude that I commend Captain Vanesa Gilbert for her great accomplishment and for her ongoing service to Henderson County. She serves as a role model for all women and girls who aspire to careers in law enforcement. Her dedication and hard work are an inspiration to all.

THE INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE INCLUSION ACT (FMLA)

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mrs. MALONEY. Madam Speaker, today I am pleased to reintroduce the Family and Medical Leave Inclusion Act, which amends the FMLA to permit leave to care for a domestic partner, same-sex spouse, parent-in-law, adult child, sibling, grandparent or child of a domestic partner, if that person has a serious health condition.

The landmark 1993 Family and Medical Leave Act allows qualified workers to take up to 12 weeks of unpaid leave a year to care for newborns or to care for himself/herself, parents, children under 18 or a legal spouse if that person has a serious health condition. Since becoming law over sixteen years ago, it has allowed many tens of millions of Americans to take unpaid leave without the risk of losing their jobs.

But, imagine if your domestic partner, same-sex spouse, adult child, parent-in-law, or grandparent was involved in a serious car accident and had no one to take care of him or her. Then imagine your employer telling you that you can't take a few unpaid days off work to care for your loved one because your relationship is not covered by FMLA. This situation sounds preposterous, but there is no protection for you in current law. That is why the FMLA Inclusion Act is so important.

This session, the bill was improved to permit leave to care for the child of a domestic partner. Often, domestic partners are not able to adopt their partner's child, even when that person is the only parent the child has ever known. The FMLA Inclusion Act would ensure those children can be cared for by the person they call ''Mom'' or ''Dad.''

I am pleased that the Human Rights Campaign has endorsed this legislation, and I am proud to introduce it with the support of original cosponsors Representatives BALDWIN, WOOLSEY, FRANK, POLIS, DELAHUNT, HIRONO, FARR, ISRAEL and NADLER.

The FMLA Inclusion Act represents simple fairness, and I look forward to working with my colleagues to ensure that this fairness prevails.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARNEY. Madam Speaker, on Monday, April 27, I was absent for three rollcall votes. If I had been here, I would have voted: ''yea'' on rollcall vote 207; ''yea'' on rollcall vote 208; and ''yea'' on rollcall vote 209.

A PROCLAMATION HONORING ASSISTANT COACH JIM SLONE FOR COACHING THE OAK HILL HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Coach Jim Slone showed hard work and dedication to the sport of basketball; and

Whereas, Jim Slone was a leader and mentor for the Oak Hill High School Boys' Basketball Team; and

Whereas, Jim Slone has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Assistant Coach Jim Slone for leading the Oak Hill High School Boys' Basketball Team to winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2008–2009 Basketball season.

INTRODUCTION OF THE WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. ENGEL. Madam Speaker, today, I am pleased to introduce the Western Hemisphere Drug Policy Commission Act of 2009, a bill that will create an independent commission to evaluate U.S. policies and programs aimed at reducing illicit drug supply and demand.

Billions of U.S. taxpayer dollars have been spent over the years to fight the drug war in Latin America and the Caribbean. In spite of our efforts, since the early 1980s, the number of U.S. lifetime drug users has steadily risen for marijuana, cocaine and heroin. Clearly, the time has come to reexamine our counter-narcotics efforts here at home and throughout the Americas. My bill will assess all aspects of the drug war—including prevention and treatment programs in the United States.

Let me be absolutely clear that this bill has not been introduced to support the legalization of illegal drugs. That is not something that I would like to see, nor is it my intent to have the Western Hemisphere Drug Policy Commission come to that conclusion.

While the United States accounts for approximately 5 percent of world population, in 2007, an estimated 17.2 percent of the world's users of illegal drugs were from the United States. 100 percent of the United States cocaine supply and 90 percent of the United States heroin supply originates in South America. In addition, the countries of Central America, the Caribbean and Mexico are key transit countries for drugs entering the U.S.

The Western Hemisphere Drug Policy Commission will be charged with conducting a

comprehensive review of U.S. illicit drug supply and demand reduction policies and will be required to submit recommendations on future U.S. drug policy to Congress, the Secretary of State, and the Director of the Office of National Drug Control Policy (ONDCP).

To tackle our nation's horrific drug problem once and for all, we must have a better sense of what works and what does not work. Our partners in the Americas, who have worked closely with us in fighting the drug war for years, and the citizens of our great country, who deal every day with illegal drugs on their streets, deserve no less.

SMA TREATMENT ACCELERATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. KENNEDY. Madam Speaker, today, along with my colleague Representative ERIC CANTOR, I am introducing the SMA Treatment Acceleration Act, in an effort to help find a treatment or cure for Spinal Muscular Atrophy (SMA), the number one genetic killer of children under the age of two.

SMA is an inherited disease that destroys the nerves controlling muscle movement, which affects crawling, walking, head and neck control, swallowing, and even breathing. The gene mutation that causes SMA is carried by one in every 40 people, or approximately 7.5 million Americans. Each child born of two carriers of the mutant gene has a one in four chance of developing SMA.

Among more than 600 neurological disorders, SMA has been singled out by the National Institutes of Health (NIH) as the disease closest to treatment. This priority status is based on scientists' advanced genetic understanding of the disease and a strong collaboration between families, federal agencies, and patient advocacy groups.

Researchers have identified the gene responsible for SMA, as well as a disease modifying "back-up" gene that has opened the door to promising new treatment pathways. This research is providing groundbreaking data for SMA and other neurodegenerative disorders, including the muscular dystrophies, Freidrich's Ataxia, Fragile X syndrome, and Huntington's disease.

This legislation will upgrade and unify SMA clinical trial sites and establish a national clinical trials network for SMA. It will also establish a Data Coordinating Center, expand and intensify federally supported research programs, and promote collaborative research at NIH. Additionally, the bill will enhance and provide support for the SMA patient registry, establish an Interagency SMA Research Coordinating Committee, and establish and implement a program for providing information and education on SMA to health professionals and the general public. These provisions will advance our research and understanding of SMA and lead towards effective treatments. I am proud to be reintroducing this legislation, and I urge your full consideration of this important legislation.

A PROCLAMATION HONORING TRAVIS BLEVINS FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Travis Blevins showed hard work and dedication to the sport of basketball; and

Whereas, Travis Blevins was a supportive team player; and

Whereas, Travis Blevins always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Travis Blevins on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

65TH ANNIVERSARY OF NORMANDY INVASION

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. WEXLER. Madam Speaker, as we approach the 65th Anniversary of the Invasion of Normandy, it is important to take a moment to remember all of the men and women who bravely served our country in World War II. We all owe an enormous debt of gratitude to these veterans and their families. I am honored to have one such veteran in my district, Corporal Elliott M. Herring. Corporal Herring bravely served in the Battle of Normandy and in the battle which took place in St-Lo. He fought in five major battles in the 3rd Army under General Patton. Throughout his service, he was awarded the Bronze Star Medal, Good Conduct Medal, Presidential Unit Citation, Meritorious Unit Commendation, American Campaign Medal, European Africa Middle Eastern Campaign Medal with one Silver Service Star, WWII Victory Medal, Army of Occupation Medal with the Germany Clasp, Combat Infantryman Badge, Honorable Service Lapel Button, Marksman Badge with Rifle Bar WWII and Five Battle Stars. Additionally, he was awarded the Légion d'honneur from France.

Corporal Herring is looking forward to an upcoming visit to the National WWII Memorial, which is celebrating its fifth anniversary this year. I encourage all veterans, their families, and all Americans to visit the World War II Memorial on the Mall in Washington, D.C. where the announcement stone reads:

> Here in the presence of Washington and Lincoln, one the eighteenth century father and the other the nineteenth century preserver of our nation, we honor those twentieth century Americans who took up the struggle during the Second World War and made the sacrifices to perpetuate the gift our forefathers entrusted to us: a nation conceived in liberty and justice.

May we never forget their sacrifices as we stand here today. Let us continue to honor these brave men and women who fought so bravely to preserve our freedom.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, April 27, 2009, I was unable to cast my votes on H. Res. 329, H.R. 1746, and H. Res. 335 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 207, on suspending the Rules and passing H. Res. 295, Recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana, I would have voted "yea."

Had I been present for rollcall No. 208, on suspending the Rules and passing H.R. 1746, the Pre-Disaster Mitigation Act of 2009, I would have voted "yea."

Had I been present for rollcall No. 209, on suspending the Rules and passing H. Res. 335, Supporting the goals and ideals of National Volunteer Week, I would have voted "yea."

A PROCLAMATION HONORING RYAN BORDEN FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Ryan Borden showed hard work and dedication to the sport of basketball; and

Whereas, Ryan Borden was a supportive team player; and

Whereas, Ryan Borden always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ryan Borden on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

ARMENIAN GENOCIDE ANNIVERSARY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. WOLF. Madam Speaker, last week marked the 94th anniversary of the Armenian genocide.

I have long been a cosponsor of a resolution introduced in multiple sessions of Congress which reaffirms the United States Record on the Armenian genocide.

The Armenian genocide, in which 1.5 million perished, is widely recognized as the 20th

century's first genocide. Raphael Lemkin, the Jewish legal scholar who coined the word genocide and tirelessly advocated for international law defining it and preventing it, was driven largely by what happened to the Armenians.

Since that time the world has witnessed unfathomable horrors during the Nazi-perpetrated Holocaust and subsequent genocides in Bosnia, Cambodia, Rwanda and still today Darfur. And too often, the world has been silent in the face of such brutality.

Adolph Hitler, in describing his murderous plans and seeking to silence those with reservations, famously said, "Who, after all, speaks today of the annihilation of the Armenians?"

There is power in speaking the truth, even about atrocities that occurred nearly a century ago, so that other men with evil aims might not be empowered by our silence.

A POEM BY MR. ROBERT DANA

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LOEBSACK. Madam Speaker, as mentioned in my one-minute speech regarding Robert Dana, I submit one of his poems.

A SHORT HISTORY OF THE MIDDLE WEST

(By Robert Dana)

Under this corn,
these beans,
these acres of tamed grasses,
the prairie still rolls,
heave and trough,
breaker and green curl,
an ocean of dirt tilting and tipping.
Its towns
toss up on the distance, your distance,
like the wink of islands.
And the sky
is a blue voice
you cannot answer for.
The forked and burning wildflowers
that madden
the ditches
nod without vocabulary.
Your neighbor
is out early this morning-the air
already humid as raw diamond.
Drunk or lonely,
he's scattering large scraps of white
bread for the birds
as if it were winter.
He'd give you the sour undershirt off
his back—
sweet, bad man.
Does he remember
rain salting down from that flat, far shore
of clouds
slowly changing
its story?

HONORING THE CENTENARIANS OF BRENTWOOD HEALTHCARE FACILITY ALLIE M. DAVIS, CORNELIUS MONTGOMERY, MARIE DUKE, ANNIE LAURIE TAYLOR, VIOLA D. PAGE, AND GUADALUPE G. CORTEZ

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to the six residents of Brentwood Healthcare in the Southeast Dallas Community of Pleasant Grove who have reached 100 years old. They are:

Allie M. Davis—100 years old, Cornelius Montgomery—104 years old, Marie Duke—100 years old, Annie Laurie Taylor—102 years old, Viola D. Page—102 years old, and Guadalupe G. Cortez—106 years old.

National Nursing Home Week will take place from May 10, 2009, to May 16, 2009, and Brentwood Healthcare will celebrate the long lives of these six individuals by having Centenarian Day at their facility on May 15, 2009. These residents have witnessed an extraordinary amount of history, and their long lives are an inspiration to all of us.

I ask my colleagues to join me in honoring these centenarians, and I wish them continued life, good health, and strength.

A PROCLAMATION DECLARING APRIL 24TH TO THE 26TH TO BE TUSCARAWAS COUNTY PAY IT FORWARD WEEKEND, AND COMMENDING THE LEADERSHIP TUSCARAWAS CLASS OF 2009 FOR THEIR WORK AT THE FOREFRONT OF COMMUNITY SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, the 2009 class of Tuscarawas Leadership seeks to encourage community service among the county's youth; and

Whereas, the Pay It Forward Challenge is being held in conjunction with Global Youth Services Weekend and the Tuscarawas County United Way's Day of Caring; and

Whereas, the Tuscarawas Leadership has found willing participants in each of the county's public school superintendents to allow students to take part; and

Whereas, both adults and youth will be participating in many different community service projects across the county throughout the weekend; and

Whereas, research has shown that volunteerism plays an important role in shaping skills, social development and a sense of empowerment in young people everywhere; now, therefore, be it

Resolved that, along with the friends and family of the Tuscarawas Leadership Class of 2009, and the residents of the 18th Congressional District, I commend the Tuscarawas Leadership for leading the way in encouraging youth community service involvement, and declare April 24, 2009 to April 26, 2009 to be "Tuscarawas County Pay It Forward Challenge Weekend."

COMMEMORATING WORKFORCE MEMORIAL DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Workforce Memorial Day. As a Nation built on the strength of our workforce, it is important that we honor those who have lost their lives while struggling to support themselves and their families.

For many Americans, going to work can be a dangerous activity, and one in which many of the harms could potentially be mitigated with the enhancement and enforcement of strong workplace health and safety protection laws.

Each year over 5,000 deaths result from occupational hazards. In 2007, 81 of these deaths occurred in New York City alone. Many of these might have been prevented by the enforcement stronger workplace safety standards.

Today, on Workforce Memorial Day, I urge my fellow Members of Congress to join me in commemorating our workforce, their dedication, and their perseverance, while resolving to create a safer and healthier work environment for all.

HONORING ANTHONY ALAMPI

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor Anthony Alampi, of Sussex County, who passed away unexpectedly on January 28, 2009.

A small businessman for many years, Anthony owned Alampi's Deli in Paramus and Alampi's Luncheonette in Bergenfield. Later, along with his wife Maria, Anthony owned Stir and Shoot in Sussex County, where they taught shooting and gun safety courses along with traditional Italian cooking lessons.

A strong defender of the 2nd Amendment, Anthony served as a NRA Benefactor Life Member, NRA Senior Training Counselor and NRA 2nd Amendment Task Force Member. He also contributed his time as a Regional Vice President of the Association of New Jersey Pistol and Rifle Clubs.

It was a pleasure to get to know Anthony and be a guest in his house. His gregarious nature, quick smile and open hearted laugh were well known by both his friends and customers alike. It is with great sadness that we learned of his untimely death.

Anthony will be greatly missed by many throughout northern New Jersey. I extend my sympathies and prayers to the Alampi family and those close to him.

A PROCLAMATION HONORING COACH NORM PERSIN FOR COACHING THE OAK HILL HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Coach Norm Persin showed hard work and dedication to the sport of basketball; and

Whereas, Norm Persin was a leader and mentor for the Oak Hill High School Boys' Basketball Team; and

Whereas, Norm Persin has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Norm Persin for leading the Oak Hill High School Boys' Basketball Team to winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2008–2009 Basketball season.

CELEBRATING JUDGE RON HURST'S 30 YEARS OF SERVICE TO HIGHLAND VILLAGE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. BURGESS. Madam Speaker, I rise today to celebrate the contributions of Judge Ron Hurst and his 30 years of distinguished service. As a Member of the State Bar of Texas, Judge Hurst has served his community of Highland Village with acute clarity of the law and a stringent application of justice. His reputation is one of impartiality and fairness.

Judge Ron Hurst is an alumnus of Loyola University School of Law. In 1977, he moved to Texas from Louisiana and found his home within the Highland Village community. He accepted the position of Corporate Attorney with the Placid Oil Company of Dallas, Texas and joined the Texas Bar. Judge Hurst claims the distinct honor of being the first judge of the Highland Village Municipal Court. Having served as the presiding judge for the past 30 years, he is the city's longest tenured employee.

Judge Hurst moved to the Highland Village area when it was home to 800 families. As the city grew, Hurst continued to dedicate his time to the development of the community. Aside from being a loving husband and father, he served on the Highland Village Planning and Zoning Commission, the Board of Ethics and his work as a Court Appointed Special Advocate volunteer. Hurst is also involved in his church where he has served as a teacher, youth group facilitator and Financial Committee member.

Madam Speaker, I am proud to recognize Judge Ron Hurst for his 30 years of legal service and contributions to the Highland Village community. His devotion serves as an example to others and it is an honor to represent him in the 26th Congressional district of Texas.

TRIBUTE TO LCDR JAMES DEMOTT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my constituent, LCDR James Demott, who will be retiring in June 2009, following a distinguished career serving our country in the United States Navy.

LCDR James E. Demott, whose home of record is Westwood, KS, is a 1989 graduate of the United States Naval Academy. He was designated a Naval Flight Officer in August 1991 and reported to Tactical Electronic Warfare Squadron 140, Whidbey Island, WA, flying the EA–6B on worldwide missions. In January 1997, after receiving an NFO to pilot transition, he was designated a Naval Aviator.

LCDR Demott's flying tours included duty with Fleet Air Reconnaissance Squadron FOUR, Oklahoma City, OK, from 1997–2000 where he was qualified as an E–6A Aircraft Commander and Deputy for Safety and Training. From 2001–2002 he was assigned to Fleet Air Reconnaissance Squadron THREE as an Aircraft Commander. In 2002, he transferred to Training Squadron TWENTY-SEVEN in Corpus Christi, TX, where he served as an Instructor Pilot, flying the T–34C Mentor, training the finest combat aviators in the world. His leadership helped the squadron garner the prestigious Chief of Naval Operations Safety Award in 2004. From 2005–2007, LCDR Demott was assigned overseas to Commander U.S. Naval Forces, Korea HQ Seoul, South Korea, working Future Plans Operations. In 2007, he moved to Corpus Christi, TX, and was assigned to Training Air Wing FOUR as the Aviation Safety Officer. He has logged over 3000 flight hours in various naval aircraft.

LCDR Demott's awards include the Meritorious Service Medal, Air Medal, 2 Navy Marine Corps Commendation Medals, 4 Navy and Marine Corps Achievement Medals and various other unit, campaign and personal awards.

Madam Speaker, LCDR Demott's service to his country reflects the best of America, and we are grateful and are honored to recognize him and his family for the sacrifices made over his 20 years of naval service.

HONORING COUNTY COLLEGE OF MORRIS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to recognize County College of Morris (CCM) in Randolph Township, Morris County, New Jersey, a distinguished institution of higher education I am proud to represent! On April 24, 2009, the college will celebrate its Fortieth Anniversary.

CCM was founded in 1968 to provide challenging, yet affordable, education opportunities for local students. This ideal is still upheld today, as CCM continues to maintain high academic standards, as well as low tuition costs.

At the time of its inception, CCM had only one building and less than 1,300 students. Under the direction of Dr. Sherman H. Masten, the college's first president, CCM expanded to include an additional five buildings and an enrollment that peaked at 12,012 students in 1982. President Dr. Edward Yaw has continued the expansion and renovation of the campus, and under his guidance, CCM has become the state-of-the-art educational facility it is today.

The college currently offers 87 degree and certificate programs and has over 8,500 students enrolled in undergraduate studies. CCM has a true tradition of excellence which, thanks to its outstanding leadership, superior faculty and staff and motivated students. CCM is one of the foremost community colleges in New Jersey and the nation.

Madam Speaker, I urge my colleagues to join me in congratulating the County College of Morris on the celebration of 40 years of service to the State of New Jersey and Morris County.

A PROCLAMATION HONORING RYAN BOGGS FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Ryan Boggs showed hard work and dedication to the sport of basketball; and

Whereas, Ryan Boggs was a supportive team player; and

Whereas, Ryan Boggs always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ryan Boggs on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

50TH ANNIVERSARY OF THE THEODORE BURR COVERED BRIDGE SOCIETY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SHUSTER. Madam Speaker, it is with great pleasure that I acknowledge the efforts of the Theodore Burr Covered Bridge Society as they approach their 50th anniversary.

The Theodore Burr Covered Bridge Society's mission of promoting interest and active participation in the preservation and restoration of the remaining historical covered bridges in the Commonwealth of Pennsylvania serves to ensure that important aspects of our community's rich history remain intact. In doing so

future generations will be afforded the opportunity to see first hand the beauty and efficiency that is associated with early Pennsylvania architecture.

Named after Theodore Burr, the early American engineer, the Theodore Burr Covered Bridge Society's efforts honor the life and works of Mr. Burr, while simultaneously bettering our community as a whole. For this I congratulate them on their 50th anniversary.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FORTENBERRY. Madam Speaker, on Thursday, April 23, 2009, I was unavoidably detained and thus I missed rollcall votes Nos. 201 and 202. Had I been present, I would have voted "aye" on both votes.

HONORING COLONEL JIM AYERS ON THE OCCASION OF HIS RETIREMENT

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SHULER. Madam Speaker, I rise today to recognize the sterling career of Colonel Jim Ayers of McDowell County. Colonel Ayers is retiring on September 1, 2009 from the United States Air Force after 26 years of dedicated service.

Colonel Ayers, a graduate of the University of North Carolina, was commissioned in 1983 through the ROTC program. He has served his country through a variety of assignments in acquisitions, mobility operations, and doctrine development. Colonel Ayers is a Command Pilot with more than 3,500 flight hours in the C–141, KC–10, and C–32. As an operational commander, he led the First Airlift Squadron at Andrews Air Force Base where his unit was responsible for the transportation of the Vice-President, First Lady, Members of Congress and senior cabinet officials. He also helped shape our military's doctrine and policy while serving as an analyst at the Headquarters Air Force Doctrine Center and as a research staff member at the Institute for Defense Analyses. Most recently, Colonel Ayers led the Washington Operations section of United States Joint Forces Command.

Colonel Ayers has admirably served his country without question or reservation and, in doing so, has set standards of honor, respect, duty and country for his fellow soldiers, sailors, airmen and marines. On behalf of myself and my constituents, I extend to Colonel Jim Ayers my gratitude, deep appreciation and well wishes for a good retirement.

A PROCLAMATION HONORING OAK HILL HIGH SCHOOL FOR THEIR SUPPORT OF THE OAK HILL HIGH SCHOOL'S BOYS' BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Oak Hill High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Oak Hill High School has been supportive of their athletes; and

Whereas, the Oak Hill High School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Oak Hill High School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Oak Hill High School on supporting their Boys' Basketball team in winning the Boys' Division IV State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

IN SPECIAL RECOGNITION OF MICHAEL WURTH ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Michael Wurth of Perrysburg, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mike's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Mike brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Perrysburg High School in Perrysburg, Ohio, Mike was a member of the National Honor Society and High Honor Roll.

Outside the classroom, Mike was active in Boy Scouts, serving as a Patrol Leader, Chaplain's Aide, and Order of the Arrow Brotherhood Member. He obtained the rank of Eagle Scout and served as a Junior Assistant Scoutmaster. Mike participated on Perrysburg High School's cross country, track, and wrestling teams, earning varsity letters in each and serving as captain of the cross country and wrestling teams. Mike also organized community track meets. I am confident that Mike will carry the lessons of his student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Michael Wurth on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Mike will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

A PROCLAMATION HONORING AUSTIN BROWN FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Austin Brown showed hard work and dedication to the sport of basketball; and

Whereas, Austin Brown was a supportive team player; and

Whereas, Austin Brown always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Austin Brown on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

HONORING MICHAEL BRUEN WOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Bruen Wood 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 418, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Bruen Wood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DEPUTY KEVIN VICE, MARION COUNTY SHERIFF'S DEPUTY OF THE YEAR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARSON of Indiana. Madam Speaker, I am proud to honor Deputy Kevin Vice for

being recognized as Marion County's Sheriff's Deputy of the Year. Deputy Vice received this prestigious award for his courageous response to a gun shooting that took place while he was off-duty. Without any back-up support he deftly maintained his composure as he helped a wounded victim, reported a run-away vehicle, called for emergency help and detained two individuals who had been near the scene of the crime. Due to his heroic actions, a suspect was later arrested.

Deputy Vice has worked with the Indianapolis Metropolitan Police Department and the Marion County Sheriff's Department, proudly serving the city of Indianapolis, Indiana as a law enforcement officer since 2001. In addition to his extensive experience, it was his training that made the greatest difference last June in contributing to his heroic efforts.

In going above and beyond the call of duty, Deputy Vice has personified the best that Marion County law enforcement has to offer. I would like to extend my most sincere thanks to Deputy Vice for his courageous dedication to the safety of our community.

Madam Speaker, I urge my colleagues to join me in honoring Deputy Vice for his outstanding service and wish him continued success in his work as one of Indianapolis' finest public servants.

IN SPECIAL RECOGNITION OF MATTHEW DEMICHIEI ON HIS OFFERS OF APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY AND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Matthew DeMichiei of Napoleon, Ohio has been offered appointments to attend the United States Air Force Academy and the United States Merchant Marine Academy. Matt has accepted the offer to attend the United States Air Force Academy in Colorado Springs, Colorado.

Matt's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Matt brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Napoleon High School in Napoleon, Ohio, Matt attained a grade point average that placed him among the top of his class. While a gifted athlete, Matt has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Matt is a member of the National Honor Society, Honor Roll, and has earned varsity letters in soccer each of his four years.

Outside the classroom, Matt was a member of the Quiz Team, French Club, Youth Soccer Club, Camp Palmer Counselor, Prom Committee, and Student Advisory Board. Matt participated on Napoleon High School's soccer, swimming, and tennis teams. I am confident that Matt will carry the lessons of his student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Matthew DeMichiei on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Matt will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

IN HONOR OF EQUAL PAY DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. AL GREEN of Texas. Madam Speaker, I wish to acknowledge and honor Equal Pay Day, a national day of recognition instituted by President Clinton in 1998 to raise awareness about the wage disparity and discrimination between men and women.

America has made some strides in narrowing this discrepancy in the workplace, but the fight for equal pay for equal work still remains prevalent and pertinent today. Thirty-five years ago, when President Kennedy signed the Equal Pay Act of 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by their male counterparts. In 2006, women earned 77 cents for every dollar earned by men; the figures are even more unsettling for women of color. This data demonstrates that the wage gap has narrowed by less than half a cent per year. An 18 cent increase over 35 years indicates a significant wage discrepancy between working men and women that leaves a great deal of work for the employers and decision makers of today. The day on which Equal Pay Day falls represents how far into the year on average a women must work to receive the same amount of pay that a man earned during the previous year.

In the state of Texas, between 2004 and 2006, the average annual salary of men with a college degree or more was $63,000, while their female counterparts only received an average annual salary of $45,000 with the same credentials. In comparison, during that same time frame, the national average annual salary for men with a college degree or more was $66,000, while their female counterparts received only $50,000. In fact, the state of Texas is about 5% below the national average in narrowing the wage disparity between men and women.

A great woman and former congresswoman from Texas, Barbara Jordan, once said that, ''If the society of today allows wrongs to go unchallenged, the impression is created that those wrongs have the approval of the majority.'' To take the late Ms. Jordan's advice: we who live in today's society must not allow the wrongs created by wage discrimination to continue to undermine the civil liberties of minorities and women. On January 29, 2009, President Barack Obama signed into law the Lilly Ledbetter Fair Pay Act to ensure that victims of pay discrimination can effectively challenge unequal pay, marking a significant step forward in the struggle for equality in pay and fair treatment in the workplace for all Americans. Though great progress is being made, significant challenges remain in the struggle against gender-based pay discrimination.

I urge my colleagues and employers nationwide to take up the fight to eliminate the unfair wage discrepancy between men and women as we all honor Equal Pay Day.

WORKERS' MEMORIAL DAY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today in honor of Workers' Memorial Day. Every day, working people across our Nation are putting their lives on the line, just by getting up and going to work. In a perennially underreported tragedy, more than 5,000 Americans die each year on the job, and millions more experience occupational injuries and illnesses.

That means about 16 workers in the U.S. die each day at work. And those who die are not only those in professions seen as dangerous, like law enforcement or firefighting—they are also mechanics, store clerks, bus drivers, and landscapers. And the deaths are often close to home. Earlier this month, a 38-year-old construction worker was killed back home in the southern Los Angeles area when a garage collapsed on him while he worked on a remodeling project.

To honor those who have died, and to draw attention about the need for better enforcement of our workplace health and safety laws, I join with Rep. EDDIE BERNICE JOHNSON and Rep. BRUCE BRALEY today to introduce a resolution recognizing the importance of Workers' Memorial Day.

Workers' Memorial Day is a reminder that each death is a life cut short—a worker who left behind a family and friends.

I encourage everyone to take a moment today to recognize the needless sacrifice that these workers' and their families made this year and in years past.

Going to work should not be a life and death proposition. Workers' Memorial Day is a reminder that we can do better.

HONORING RYAN JAMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan James 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 75, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop participating in many scout activities. Over the many years Ryan has been involved with

scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan James for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SPECIAL RECOGNITION OF JARED LEININGER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Jared Leininger of Archbold, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Jared's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Jared brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While a gifted athlete, Jared has maintained the highest standards of excellence in his academics, having been on the alpha honor roll and honor roll each year, and earned varsity letters in wrestling and football.

Outside the classroom, Jared was a member of Fellowship of Christian Athletes, Hand Bell Choir, Senior Lutheran Youth Fellowship, serving as both Vice President and President, and served as an elementary tutor and teachers' aide. Jared participated on Archbold High School's football, wrestling, and baseball teams. Jared's dedication and service to the community and his peers has proven his ability to excel among the leaders at the Air Force Academy. I have no doubt that Jared will take the lessons of his student leadership with him to Colorado Springs.

Madam Speaker, I ask my colleagues to join me in congratulating Jared Leininger on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Jared will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

IN HONOR OF CAPTAIN JOHN ''MUD'' MEDVESCEK, INDIANAPOLIS FIREFIGHTER OF THE YEAR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor Captain John ''Mud'' Medvescek with the Indianapolis Fire Department. On April 16, 2009, he was recognized as Indianapolis' 2008 Firefighter of the Year for his outstanding service to the city of Indianapolis.

With thirty years of service with the Indianapolis Fire Department, Captain Medvescek has exemplified himself through his commitment to ensuring the safety of our community. As a member of the advanced rescue squad he has worked tirelessly and bravely to provide emergency response support to those in need. Through these experiences, Captain Medvescek has been able to generously share his wealth of knowledge, which has allowed him to play an invaluable role in training the next generation of firefighters.

For decades he has bravely served on the front lines, selflessly fighting to save the lives of countless Hoosiers in the face of great danger. As a former law enforcement officer, I understand the true value of Captain Medvescek's dedication to our city and to the people of Indianapolis.

Madam Speaker and distinguished colleagues, I urge you to join me in thanking Captain Medvescek for his tremendous contributions. He is a devoted public servant whose mentorship has served as a lasting legacy for those aspiring to pursue careers dedicated to protecting the lives of others.

61ST ANNIVERSARY OF ISRAEL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GARRETT of New Jersey. Madam Speaker, today, I rise to recognize the 61st anniversary of the founding of the modern state of Israel. Israel has been one of our strongest allies and I am thankful for the bond of friendship and cooperation that we share. After all, our two countries have many historic similarities. We both have faced war and fought for peace and freedom. We both continue to pursue liberty despite ongoing opposition.

For 2,000 years, most Jews had been scattered around the world, often enduring intense persecution and discrimination. After World War II, the Jewish people desired to return to their ancient homeland and live in the land that had once belonged to their forefathers. The Holocaust revived their desire to form a new state, even though the land of their ancestors was merely a dry, almost barren terrain.

After winning independence, the Israelis amazingly transformed the wilderness into a site of thriving agriculture production. One Jewish scientist developed the first surface drip irrigation system and this discovery has transformed irrigation practices across the world. Scientists in Israel have also developed fruits and vegetables that are resistant to disease.

Not only has Israel been the source of agricultural improvements, but it has also partnered with the U.S. in several scientific initiatives. As the representative of New Jersey's Fifth District, which is home to many small farms that help make up the Garden State, I am grateful for how Israel has pioneered numerous agricultural initiatives.

I am also grateful for how Israel has been an example to other countries. I have many Jewish friends and I am always impressed by how they value freedom. It is free markets and free thinking that enable new inventions, and these inventions in turn help future generations to prosper. As Israel celebrates this 61st anniversary, I encourage my constituents to reflect on the achievements of the past as we work to better our children's future.

HONORING CLAYTON MATHER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Clayton Mather 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 75, and in earning the most prestigious award of Eagle Scout.

Clayton has been very active with his troop participating in many scout activities. Over the many years Clayton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Clayton Mather for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SPECIAL RECOGNITION OF JACQUELINE CRAWFORD ON HER APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY PREPARATORY SCHOOL

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Jacqueline Crawford of Waterville, Ohio has been offered an appointment to attend the United States Naval Preparatory School in Newport, Rhode Island.

Jackie's offer of appointment poises her to attend the United States Naval Preparatory School this fall, and after successful completion, will attend the United States Naval Academy with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the

most challenging and rewarding experiences of their lives.

Jackie brings an enormous amount of leadership, service, and dedication to the incoming class of midshipmen. During Jackie's high school career, she received honors in chemistry and chose to enroll and excel in Advanced Placement courses.

Outside the classroom, Jackie demonstrated her dedication and service to her community and peers by being active in the Race for the Cure, the Diabetes Research Walk, Meals on Wheels, and other fund raising and relief efforts to assist those less fortunate. Jackie utilized her leadership skills during her participation in Anthony Wayne High School's FCCLA, track, choir, theater, softball and as captain of the cheerleading squad.

Madam Speaker, I ask my colleagues to join me in congratulating Jacqueline Crawford on her acceptance of appointment to the United States Naval Preparatory School. Our service academies offer the finest military training and education available. I am positive that Jackie will excel during her career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

ON THE INTRODUCTION OF THE FAIR PAY ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. NORTON. Madam Speaker, the first bill that President Barack Obama signed was H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009 to restore the Equal Pay Act (EPA) to its interpretation since it was enacted in 1963. That bill could not wait until today, Equal Pay Day. Equal Pay Day marks the day nearly four months into a new year—that women must work to earn as much as men did last year. However, although the EPA was highly successful for close to 20 years, the EPA had grown so creaky with age that the Ledbetter Act could do no more than resuscitate the old EPA. However, it is long past the time to amend the EPA to meet the changed economy, where women work as much as men, and in today's troubled economy women are increasingly supporting husbands, sons and families. My House colleague ROSA DELAURO and I, and scores of other Members got the House to pass the Paycheck Fairness Act and on Equal Pay Day, we urge the Senate to pass the Paycheck Fairness Act. Congresswoman ROSA DELAURO and I have long pressed for the passage of the Paycheck Fairness Act and both of us testified at its first hearing before the Committee on Education and Labor during the 110th Congress. My own experience as chair of the Equal Employment Opportunity Commission (EEOC), when President Jimmy Carter moved the EPA and other civil rights statutes to the EEOC as parts of a historic reorganization, demonstrated to me both the strengths and the weakness of the EPA.

As important as the Ledbetter Act, was it is only a gate opener to the EPA. The Paycheck Fairness Act, passed in the House this session is also an important update of the EPA's basic procedures, giving them "the same muscle" as other anti-discrimination statutes, including Title VII of the 1964 Civil Rights Act and the age Discrimination in Employment Act, both of which I administered along with the Equal Pay Act. However, the Fair Pay Act (FPA) goes the next step, putting an end to wage discrimination against women and others by establishing equal pay for equal work. This bill recognizes that women earn significantly less than men for work, and amends the Fair Labor Standards Act of 1938, known as the Equal Pay Act, to provide more effective remedies to victims of wage discrimination on the basis of sex. The Paycheck Fairness Act instructs the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs to train EEOC employees and affected individuals and entities on matters involving wage discrimination and authorizes the Secretary of Labor to fund skills training programs for girls and women. The bill further directs the Secretary to provide studies, information, summits, guidelines, awards and assistance for employer evaluations of job categories based on objective criteria.

Therefore, with Senator TOM HARKIN, I am pleased again to introduce the FPA to pick up where the EPA leaves off, by bringing the EPA into the 21st century by taking on sex segregated jobs where gender influenced wages leave the average woman worker without any remedy.

The FPA sends a message to the average woman worker, who is often steered to and then locked into a job with wages that are deeply influenced by the gender of those who have traditionally held those jobs. Women often are used inconsistent with their qualifications today because of employer steering, and because of deeply rooted wage stereotypes that result in pay according to gender and not according to the skills, effort, responsibility and working conditions necessary to do the job. We introduce the FPA because the pay problems of many women today stem from sex segregation between the jobs that women and men traditionally do. Two-thirds of white women, and three quarters of African American women, work in just three areas: sales and clerical, service, and factory jobs despite women's superior education to men for several decades. Only a combination of more aggressive strategies, including the Paycheck Fairness Act and the Fair Pay Act can break through the ancient societal habits present throughout human time the world over, as well as employers steering women into "women's jobs" which is as old as paid employment for women itself.

The FPA recognizes that, if men and women are doing comparable work, they should be paid a comparable wage. For example, if a woman is an emergency services operator, a female-dominated profession, why is she often paid considerably less than a fire dispatcher, a male-dominated profession? Is this because each of these jobs has been dominated by one sex? The Fair Pay Act does not decide this issue, but the bill does allow women to show that some or all of the wage disparity is gender based. The burden is on the female plaintiff, a difficult case to make in a market economy, but women deserve the right to carry that burden in appropriate cases.

The FPA, no more than the EPA, tampers with our market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. As with the EPA, she must show that the reason for the disparity is sex discrimination, not legitimate market factors.

Corrections to achieve comparable pay for men and women are not radical or unprecedented. State employees in almost half of the state governments, in red and blue states alike, have already demonstrated that the pay gap that is due to discrimination can be eliminated. Twenty states have adjusted wages for women state employees, raising pay for teachers, nurses, clerical workers, librarians, and other female-dominated jobs that paid less than men with comparable jobs. Minnesota, for example, implemented a pay equity plan when they found that similarly skilled female jobs paid 20% less than male jobs. There often will be some portion of the gap that is traceable to market conditions, but twenty states have shown that you can tackle the discrimination gap without interfering with the free market system. The states generally have closed the discrimination gap over a period of four or five years at a one-time cost no more than three to four percent of payroll.

In addition, routinely, many women workers achieve pay equity through collective bargaining. In addition countless employers on their own, as they see women shifting out of vital female-dominated occupations, the effects of the shortage of workers in vital occupations, and the unfairness to women, are raising women's wages with pay equity adjustments. The best case for a strong and updated EPA with at least the Paycheck Fairness Act occurred here in the Congress in 2003, when women custodians in the House and Senate won an EPA case after showing that women workers were paid a dollar less for doing the same and similar work as men. Had they not been represented by their skillful and dedicated union, they would have had an almost impossible task using the rules for bringing and sustaining an EPA class action suit today. The FPA simply modernizes the EPA to make such a suit more possible by women acting alone.

Start where we like, but Congress should be ashamed to let another year go by while working families lose more than $200 billion annually—more than $4,000 per family—even considering education, age and hours of works and location. Unequal pay has been built into the way women have been treated since shortly after Adam and Eve. To dislodge such deep seated and pervasive treatment, we must update old vehicles like the EPA with the Paycheck Fairness Act and create new laws, such as the Fair Pay Act I introduce today.

HONORING CHARLES WILSON ANDREWS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Wilson Andrews 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 in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop participating in many scout activities. Over the

many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Wilson Andrews for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE FIRST GRADUATING CLASS OF THE D.A.R.E. PROGRAM AT FOREST HILL ELEMENTARY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April, 28, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise today to congratulate the first graduating class of the Drug Abuse Resistance Education program, or D.A.R.E, at Forest Hill Elementary.

I am truly proud of the 50 students who participated in this important class that equips our young people with the support and knowledge they need to say no to drugs, underage drinking and gang violence.

In 1983, D.A.R.E. began as a small program in Los Angeles. Today, it is implemented in more than 75 percent of our country's school districts and in more than 43 other nations.

To mark the success of these students, Forest Hill Elementary will hold a graduating ceremony on May 4, 2009. I am glad these students will be recognized for taking this step toward leading positive and productive lives.

Moreover, I applaud the efforts of the police officers, faculty and families who helped support this accomplished group as they worked to complete the D.A.R.E. program this school year.

I ask my colleagues to join me in congratulating the first graduating class of the D.A.R.E. program at Forest Hill Elementary. Your success is a true testament to the strong community values of Forest Hill.

IN SPECIAL RECOGNITION OF STEVEN BILLMAIER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Steven Billmaier of Bowling Green, Ohio has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Steven's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Steven brings an enormous amount of leadership, service, and dedication to the incoming class of midshipmen. While attending Central Catholic High School in Toledo, Ohio, Steven attained a grade point average which placed him fourth in his class of 257 students. During Steven's high school career, he was inducted into the National Honor Society and the Insignis Society; distinguished as a Regents Scholar; and received a National Merit Commendation.

Outside the classroom, Steven demonstrated his dedication and service to his community and peers by being active in the Boy Scouts of America in which he obtained the rank of Eagle Scout, in addition to earning four Eagle Palms. Steven utilized his leadership skills during his participation in Central Catholic High School's German Club, Environmental Club, Spiritual Commission, and he was a class officer. Athletically, Steven has been an active member of Crew, participating in both the fall and spring sessions during the past four years. I am confident that Steven will carry the lessons of his student leadership to Annapolis.

Madam Speaker, I ask my colleagues to join me in congratulating Steven Billmaier on his acceptance of appointment to the United States Naval Academy. Our service academies offer the forest military training and education available. I am positive that Steven will excel during his career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FLEMING. Madam Speaker, I rise today to recognize and honor a very special group from Northwest Louisiana.

On April 11, 2009 a group of 104 veterans and their guardians flew to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these Louisiana veterans to visit Washington, DC on a chartered flight, free of charge. For many, this will be the first and only opportunity to visit the memorials created in their honor. These brave men and women, from my home state of Louisiana, deserve the thanks of a grateful nation for everything they have sacrificed for our freedom.

Today I ask my colleagues to join me in honoring these great Americans and thank them for their unselfish service.

Dan D. Adcock, John R. Alexander, Bennie R. Alley, John T. Anderson, Dempsey D. Bankus, Charles R. Bedgood, Henry J. Bird, Edd J. Bordelon, Arnold L. Braddock, Robert I. Brown, Cecil H. Brumley, Charles L. Bryant, James Buggs, Aubra T. Bunn, Curtis E. Chaffin, James Eugene Chowns, Jack Coursey, Jack Creighton, Howard A. Curtis, Edward D. Dark, John Duco, Albert J. Dunn, Merrille D. Dunn, Robert M. Duvall, Orlando A. Easterling, Kenneth B. Eaves, Guy M. Farley, John P. Fields, Edward R. Franks, William D. Franks, Dellon K. Fulton, William M. Gaston, Frank A. Genova, Ethan Allen Gillispie, Oben D. Greer, Garland D. Gregory, Walter H. Harbour, Eugene Harvey, James M. Henderson, Roy Gene Hicks, William V. Hines, John L. Hinton, Robert E. Holladay, Loin F. Jacob, Orville H. Jensen, Alton B. Kay, William B. Kinman, Anton Koloc, Andrew J. LeBlanc, Thomas B. Ledford, Ottis Littlejohn, Marshall H. Lyles, Rudolph E. Lyon, Paul H. Madden, Norman L. Mauroner, Lucius D. McGehee, Edgar C. Morris, Raymond L. Owens, Raymond K. Pecanty, Danny L. Phillips, Joe A. Phillips, Arthur R. Pietsch, Alfred B. Potter, Aubie L. Powell, James A. Powell, Melvin A. Powell, Kindred C. Priest, Robert C. Rinehart, Robert D. Roach, Robert G. Robertson, Floyd Cecil Robinson, Carol Wilson Rogers, Rollins B. Rosenzweig, Frank A. Serio, Melvin L. Shirey, Donald C. Sidak, Orvis U. Sigler, James C. Smith, Ernest L. St. John, Edward E. Stevenson, Clyde T. Stovall, Otis L. Strong, Jack F. Taylor, Tiny A. Temple, William M. Temple, Oscar Thornton, Dewey C. Thurmon, Floyd R. Turley, Coy E. Upshaw, Ray U. Urban, Thomas H. Vincent, Emmitt W. Walker, Dillon D. Wallace, Thomas A. Watson, Jack L. Whitfield, William C. Wilkins, Kenneth C. Wood, and Neill A. Yarborough.

HYDROCEPHALUS AWARENESS MONTH

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mrs. BACHMANN. Madam Speaker, hydrocephalus, or water on the brain, is a medical condition that results in an abnormal accumulation of cerebrospinal fluid (CSF) in the ventricles, or cavities, of the brain. Sadly, the prognosis for individuals afflicted with hydrocephalus is difficult predict and often fatal. Moreover, while this condition affects approximately 1 in every 500 births, very few people are aware of it.

Indeed, the National Institute of Neurological Disorders and Stroke (NINDS) is currently conducting research related to hydrocephalus prevention and treatment. However, more must be done at the community level to educate individual Americans about this surprisingly prevalent disorder. Recognizing September as National Hydrocephalus Awareness Month will bring this disease to the public's attention and encourage the discussions necessary to more effectively address the devastating effects of this disease and provide support to families who live with it each day.

For example, currently, the most common form of treatment for hydrocephalus involves the insertion of a shunt in order to maintain the flow of CSF from the brain. This outdated practice often results in complications that can jeopardize the life of the, often very young, patient. Through increased awareness and education, we will take the steps needed to modernize the treatment of hydrocephalus and move toward a cure. As one parent summarized, "My son, and all the other children who suffer from Hydrocephalus, are literally 12–15 hours from irreversible damage, if not death, if a shunt failure was to go undetected or left

untreated. There has got to be a better treatment out there, if not an outright cure, we just have to find it.''

I'd like to share the thoughts of a father whose toddler son suffers from Hydrocephalus, Michael Illions: ''Our son Cole was born on July 25, 2005. We were prepared for his diagnosis of hydrocephalus since March of that year when we learned about it at a routine ultrasound. We interviewed Neurosurgeons and discussed our options for the treatment of the hydrocephalus for Cole which in his case would mean brain surgery at 1 day old. The most common treatment for hydrocephalus is the placement of a shunt into the ventricles of the brain to drain excess Cerebral Spinal Fluid. Cole had his first shunt surgery on July 26, 2005 at just one day old. 10 more brain surgeries and hospitalizations would follow in the next year, including 2 major shunt infections.

Life with a child living with hydrocephalus is very unpredictable. We have had to alter our lives in many ways. For the first year, we literally slept with a change of clothes right near the bed and the car keys on the night stand, just in case we had to make a late night visit to the ER. As parents, you are constantly observing your child for shunt failure and things that regular parents go through like stomach viruses and fevers could mean death for your child if not acted on immediately. We never travel to far from home for fear that we will need our hospital and Neurosurgeon in an emergency and when we do venture away, we always know where the closest hospital is.

Cole has experienced development delays due to his hydrocephalus, multiple surgeries and so much time spent in the hospital during his first year of life. He didn't walk till he was nearly 3 years old and he still doesn't talk. However, he started Preschool in September and is doing amazingly well. He runs, plays, laughs, and plays with other children just like any other 3 1/2 year old boy. Yet, as common as hydrocephalus is; 1 in 500 births, there are still so many people who have no idea what it is. The experience of having a child with this condition has enriched our lives beyond measure. We have met hundred of wonderful people, started our own support group in our state, and just recently started the Pediatric Hydrocephalus Foundation, Inc. It is our goal to educate the rest of the United States about this condition and the millions of people living with it.''

PRE-DISASTER MITIGATION ACT OF 2009

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. BLUMENAUER. Madam Speaker, the reauthorization of the Pre-Disaster Mitigation (PDM) program sends an important signal about the effectiveness of hazard mitigation in ensuring public safety and reducing financial losses in the event of a natural disaster. I am pleased that the House is reauthorizing the program for an additional three years and increasing the minimum amount that each State can receive from $500,000 to $575,000.

I have been a longtime supporter of pre-disaster mitigation and the approach adopted in the 1990's by former FEMA Administrator James Lee Witt as illustrated in the 'Project Impact' pilot program. The City of Portland, Oregon and Multnomah County, areas I represent, were early partners in the Project Impact program which helped to establish a flood hazard Community Rating System. By taking steps to mitigate potential flood damages in excess of FEMA standards, some area floodplain residents were able to qualify for reductions in their flood insurance premiums. On a national scale, Project Impact helped communities large and small across the country make much needed investments in hazard mitigation.

In 2005, the Multihazard Mitigation Council, on behalf of FEMA, found that on average, a dollar spent by FEMA on hazard mitigation provides the nation in about $4 in future benefits. In that regard, the Pre-Disaster Mitigation program is a leading example of how the federal government can be a better partner to local communities by helping to improve public safety and reduce disaster related financial losses. It is the right thing to do for communities that are rebuilding after disasters, like New Orleans, and for those trying to avoid becoming the next victims.

HONORING SERGEANT GLEN RUEGSEGGER, INDIANAPOLIS POLICE OFFICER OF THE YEAR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to congratulate Sergeant Glen Ruegsegger for being named Police Officer of the Year by the Indianapolis Metropolitan Police Department. Earlier this month, he was honored as one of Indianapolis' finest officers in 2008 for the tremendous contributions he has made to his department.

Under the leadership of Sergeant Ruegsegger, the Indianapolis Metropolitan Police Department has been able to advance the use of technology so that law enforcement officers are better equipped with information while they are patrolling the streets. By utilizing his expertise as the director of the police technology department, Sergeant Ruegsegger has led the effort in developing a mechanism of sharing case information with other departments. The goal is to allow for effective and timely communication among law enforcement officers so that they can fulfill their duty to protect citizens.

As a former law enforcement officer, I understand the importance of utilizing innovative systems that will have a positive impact on the lives of Indianapolis residents. I applaud Sergeant Ruegsegger on this significant achievement and wish him the best in his continued service to our city.

I urge my colleagues to join me in thanking Sergeant Ruegsegger for his exceptional service and congratulate him on this distinguished award.

IN SPECIAL RECOGNITION OF MARK BRAKE ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Mark Brake of Ohio City, Ohio has been offered an appointment to attend the United States Military Academy in West Point, New York.

Mark's offer of appointment poises him to attend the United States Military Academy this fall with the incoming Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Mark brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Lincolnview High School in Van Wert, Ohio, Mark attained a grade point average which placed him in the top third of his class. During Mark's high school career, he earned several Scholar Athlete Awards and tutored other students. He was active in Spanish Club, Science Club, and Marching Band, serving as field commander his senior year.

Outside the classroom, Mark demonstrated his dedication and service to his community and peers by being active in many church activities and excelled on the violin. He was also a representative at Buckeye Boys State. On the fields of competition, Mark was a varsity wrestler and participated in track and field events. I am confident that Mark will carry the lessons of his student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Mark Brake on his acceptance of appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Mark will excel during his career at the Military Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING AMELIA LEUER FOR RECEIVING NATIONAL LETTERS ABOUT LITERATURE AWARD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Miss Amelia Leuer of Albertville, Minnesota, for being chosen as a national winner in the Letters about Literature Reading Contest.

Miss Leuer, a senior at St. Michael-Albertville High School, was chosen as one of six winners in a national competition with 55,000 students for her letter to poet Linda Paston. After studying the piece, ''Caroline,''

Miss Leuer chose to write a letter to the author expressing the positive impact the poem provided as she dealt with the tragedy of loosing her sister in an accident.

"I personally attribute a great deal of that peace to your poem, 'Caroline,'" Miss Leuer wrote. "I realize we can endure this pain only because of small miracles we experience every day. 'Caroline' is one of those miracles."

The panel of judges gave Miss Leuer a perfect score for her "original, emotional, genuine, and inspiring response," and Target donated a $10,000 grant to St. Michael Catholic Library on her behalf.

Madam Speaker, on behalf of the Sixth District of Minnesota, I want to congratulate Amelia Leuer for her talent and national achievement. I wish her the very best as she graduates high school and pursues what are sure to be bright endeavors in her future.

TRIBUTE TO WORKERS MEMORIAL DAY

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SCHRADER. Madam Speaker, I am humbled today to recognize my fellow Oregonians killed on the job or at war in 2008. This nation has made great strides in protecting Americans from all walks of life in all different types of jobs, but any death, or injury, resulting from an on-the-job accident or injury is one too many.

So as we recognize these men and women on this Workers Memorial Day, let us also pledge to do better to provide safe and productive work environments for our nation's workers. Let us remember the ultimate sacrifice of these men and women and honor their legacies.

William Adams, Cecil Alberts, Joshua Amos, Eugene Ardissono, Jeffrey Baker, Robert Betz, Shawn Blazer, Kerry Boatman, Lance Corporal Dustin Canham, Scott Charleson, Randy Chipman, Edward Clarke, Mike Dennison, Captain Bruno de Solenni, Michael Dewey; and Coner Duty.

Private First Class Cody Eggleston, Corporal Jessica Ellis, James Exline, Jene Fitzgerald, Robert Ford, James French, Edrik Gomez, Nathan Gourley, William Hakim, Matthew Hammer, Thomas Holliday, Kevin Ivey, Lance Corporal Robert Johnson, Christopher Judah; and Stephen Kaufman.

Jason Ketcheson, Matthew Kohanes, Robert Kramer, Roger Kruizenga, Kevin Leader, Timothy Leake, Kelly Linhart, Jeffrey Little, Miguel Martinez-Perez, Sergeant Zachary McBride, David McKay, John Miller, Sergeant Mikeal Miller, Joseph Montero; and Joshua Moughler.

Private Tan Ngo, Mark Phares, Dale Pickett, Paul Reiter, Steven Renno, Bryan Rich, Robert Rolph, Jesse Savage, Roark Schwanenberg, George Shaw, Aaron Simmons, Terry Smith, Gurdev Sohi, Darrell Souza; and David Steele.

Gerald Stierwalt, Brian Swenson, Thomas Tennant, Hector Terriquez-Chavez, Chad Thompson, Frank Toohey, Sergeant James Treber, Tommy Walker, Lieutenant Colonel James Wiley, William Woodruff, John Worthington; and Private First Class Joshua Young.

INTRODUCTION OF THE INITIATING FOREIGN ASSISTANCE REFORM ACT OF 2009

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. BERMAN. Madam Speaker, today I introduced the Initiating Foreign Assistance Reform Act of 2009. This legislation is an important first step in reforming and improving the U.S. foreign assistance program, particularly with respect to developing countries. I call it a first step, because I intend to work with my House and Senate colleagues later this year on a broader reform effort that will include a comprehensive rewrite of the Foreign Assistance Act of 1961.

There is broad consensus that the U.S. foreign assistance program is in need of a significant overhaul. Currently, foreign assistance programs are fragmented across 12 departments, 25 different agencies, and nearly 60 government offices. The current foreign assistance structure is characterized by duplication, fragmentation, and conflicting purposes and objectives. As a result, the United States lacks a clear and consistent strategy toward developing countries. Last week, the Government Accountability Office issued a report detailing the urgent need for developing such a strategy.

Over the years, there have also been criticisms about the accountability, effectiveness, and transparency of U.S. foreign assistance. While some of these criticisms have merit, in the vast majority of cases our assistance is being used to help lift people out of poverty, combat food insecurity, and promote stability and good governance all over the world. Yet without an effective and transparent system that tracks our assistance, it is difficult to document our successes.

In order to begin addressing these issues, this bill requires the President to develop and implement a comprehensive National Strategy for Global Development, which will define and streamline the roles of each department and agency engaged in development policies, programs and activities overseas. In addition, the strategy will establish a process to review and improve coordination among the various departments and agencies involved. The strategy will also establish objectives for our development programs, with the goal of reducing poverty and contributing to broad-based economic growth in developing countries. Most importantly, it will spell out the connection between reducing poverty in the developing world and advancing U.S. national security and foreign policy interests.

To improve the accountability and transparency of foreign aid, the legislation requires each U.S. department and agency carrying out foreign assistance to develop a system to monitor and evaluate the effectiveness and efficiency of assistance programs. It also requires the President to publish and make publicly available comprehensive information on U.S. foreign assistance on a program-by-program and country-by-country basis. Upon enactment of this legislation, every American and all recipients of U.S. foreign aid will be able to see where and how U.S. foreign assistance is being used.

Madam Speaker, overhauling our foreign assistance apparatus is critical to safeguarding America's long-term national security, confronting transnational threats, stimulating global economic growth and ensuring that U.S. foreign assistance reflects the values and priorities of the American people. This legislation is a critical first step in achieving these objectives, and I look forward to working with my House and Senate colleagues and the Obama Administration on the broader U.S. foreign assistance reform effort.

IN SPECIAL RECOGNITION OF ALLISON REEDY ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Allison Reedy of Tiffin, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Allison's offer of appointment poises her to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Allison brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Tiffin Columbian High School in Tiffin, Ohio, Allison attained a grade point average which placed her in the top ten percent of her class. Allison participated in Tiffin Columbian High School's marching, concert, and symphonic bands; she was a member of the Quiz Bowl, and was active in TC Crew. Allison was also inducted into the National Honor Society.

Outside the classroom, Allison was a member of the cheerleading and swim teams. Allison utilized her leadership skills as President of the Spanish Club and leader of the Band Dance Committee. I am confident that Allison will carry the lessons of her student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Allison Reedy on her acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Allison will excel during her career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

NEW EDITION OF THE GPO STYLE MANUAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, the GPO is currently distributing copies of the latest edition of the U.S. Government Printing Office Style Manual, the first revision to this authoritative style guide since 2000.

The GPO Style Manual, as it is popularly known, is issued under the authority of section 1105 of Title 44 of the U.S. Code, which requires the Public Printer, as head of the GPO, to ''determine the form and style in which the printing . . . ordered by a department is executed . . . having proper regard to economy, workmanship, and the purposes for which the work is needed.'' The Manual is prepared by the GPO Style Board, composed of proofreading, printing, and Government documents specialists from within GPO, where all congressional publications and many other key Federal Government documents are produced.

The first GPO Style Manual appeared in 1894. It was developed originally as a printer's stylebook to standardize word and type treatment and remains so today. Through successive editions, however, the GPO Style Manual has come to be widely recognized by writers and editors both within and outside the Federal Government as one of the most useful resources in the editorial arsenal.

The new edition of the GPO Style Manual has been thoroughly redesigned to make it more modern and easier to read, and the content has been updated generally throughout in keeping with current usage. In addition, a variety of suggestions offered by users since the last edition was published have been incorporated. In addition to Members of Congress, copies are being distributed to Federal agencies and Federal depository libraries, and are being offered for sale to the public. There is also a free online version of the Manual at http://www.gpoaccess.gov/stylemanual/index.html.

As Chairman of the Joint Committee on Printing during the 110th Congress, when the new edition of the Style Manual was prepared, I commend the staff of the GPO for the production of this handsome volume, and I commend its use to my colleagues and their staffs in both this House and the Senate.

INTRODUCTION OF THE MARINE RENEWABLE ENERGY PROMOTION ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. INSLEE. Madam Speaker, I rise today to introduce the Marine Renewable Energy Promotion Act of 2009, a bill to promote the development of renewable energy from our oceans and rivers, using the tides, currents, waves and even the thermal properties of our oceans to generate electricity. I thank Senator MURKOWSKI for introducing a Senate companion to this important measure.

Marine and hydrokinetic devices offer the potential to capture energy from waves, tides, ocean currents, and the natural flow of water in rivers, as well as marine thermal gradients, without building new dams or diversions. The potential for this energy is tremendous. The Electric Power Research Institute has estimated that ocean resources in the United States could generate 252 million megawatt hours of electricity, which given as much support as other types of renewable energy, could be equivalent to 6.5 percent of America's entire electricity generation.

Currently, Washington State companies, universities, research institutions and public utilities are working to bring affordable, reliable and abundant electricity to major urban load centers located near Puget Sound.

For example, the Department of Energy designated the Northwest National Marine Renewable Energy Center, run by the University of Washington and Oregon State University, to develop tidal and wave research projects. Additionally, the Department of Energy's Marine Sciences Laboratory on the Olympic Peninsula assesses waterpower resource potential to address and remove environmental roadblocks to deployment, testing to accelerate the integration of large-scale waterpower electricity generation into the Northwest power grid, and is essential to establishing a robust basis for industrial investment based on verifiable technology performance, assured cost basis, and environmental performance. Furthermore, two entities in Washington State are further along in deploying tidal energy turbines than anyone else in the United States. Both Verdant Power, in partnership with the U.S. Navy, and the Snohomish County Public Utility District, in partnership with the U.S. Department of Energy, are well underway in their research and development of tidal energy in the Puget Sound and should be seen as test beds for the nation.

The Marine Renewable Energy Promotion Act will accelerate these efforts by establishing a research, development and demonstration program at the Department of Energy that is specifically devoted to marine and hydrokinetic renewable energy. This office will help to develop new marine renewable energy technologies, increase reliability and durability of facilities, reduce manufacturing and operating costs of the devices, help identify and address environmental impacts of marine renewable energy and make sure that such power can be integrated into the national electricity grid.

Importantly, the bill authorizes federal funding for a Marine-based Energy Device Verification Program, which will bridge the gap between design and development efforts and the commercial deployment of marine renewable energy devices. Funds would facilitate the installation and evaluation of marine renewable energy projects in partnership with appropriate federal research institutions and organizations. Information learned will be available for the benefit of utilities, independent power producers, generators, and others in the marine renewable energy development community.

Further, the bill establishes an Adaptive Management and Environmental fund to provide grants for entities to help pay for the regulatory permitting and development of new marine technologies.

Finally, the bill would allow marine energy to qualify for the existing accelerated depreciation tax benefit, which essentially allows marine projects to accelerate the depreciation of their project costs over five years and will help enhance project economic returns for private developers.

I urge my colleagues to consider this important bill.

''IN CONCERT'': A POEM BY ALBERT CARY CASWELL IN HONOR OF THE COLBERT FAMILY, THE NATIONAL SYMPHONY, OUR MILITARY BANDS, AND PBS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LARSON of Connecticut. Madam Speaker, I submit the following:

IN CONCERT

In the home of The World's Greatest Democracy . . .
Up upon a hill, our nation gathers as one twice yearly . . .
In Concert, on Memorial weekend . . .
And on The Fourth, as her birthday begins . . .
For treasured moments, which now live on . . .
All in our hearts, which are now born . . .
As when, upon Capitol Hill . . . one family . . .
The Colbert's, have brought such moments to instill . . . you and me . . .
All, In Concert . . . The Colbert family . . .
And PBS, have so entertained us on TV . . .
As all of our hearts are so thrilled . . .
With such laughter and joy, and such tears so filled . . .
With some of our nation's, and the world's greatest talent billed . . .
As a city gathers on her west lawn . . .
As before the world's greatest dome, a masterpiece soon dawns . . .
As The United States Capitol, shining moments on a hill!
Beamed across our nation, to give to all such a thrill . . .
When, on a Memorial Day weekend . . .
As a national, we are all so moved to tears . . .
As we so see, the true meaning of courage so here . . .
As we watch our Armed Forces, most selfless stories appear . . .
For no greater glory, or gift could be!
Then Arms and Legs, and precious Lives indeed . . .
All so we may be free, as we fall to our knees!
As out across this great nation, we are all brought to tears . . .
Reminding us all, the true cost of freedom so very dear . . .
And then, on The Fourth of July . . .
As our Nation's birthday party, so fills the skies . . .
With fireworks exploding on, and off the stage . . .
As we see Jerry's, Yankee Doodle Dandy talent made . . .
All there in the glow of our nation's beloved Dome, it plays . . .
As we're all so reminded to celebrate . . .
And why we're so blessed . . .
To but live in these here United States!
As all ''In Concert,'' as they create!
As children, babies, men and women get up to dance . . .
All in Freedom's beloved stance!
Whether, country . . . or rock and roll . . .

These giants up upon that stage, touch all of our very souls . . .
And that most magnificent National Symphony,
And those Military Bands and Choirs continually . . .
Take our hearts even higher!
For in this city, surrounded by consequence . . .
There, is no greater place . . . on these holidays to be so hence!
Then, up there upon Jenkins Hill . . .
On The West Front of The Capitol, letting all of your hearts be thrilled.
In Concert . . .

Dedicated to A Great American Family, The Colbert Family . . . Jerry and his son Michael . . . The Talent, The National Symphony, The Military Bands, The Choirs, The Crew, and PBS who have given so much to our nation.—Written by Albert Cary Caswell, 2009.

IN SPECIAL RECOGNITION OF BENJAMIN VAN HORN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Benjamin Van Horn of Whitehouse, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Ben's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Ben brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. He was a member of the National Honor Society, received the Anthony Wayne Academy Award in grades 9–11, received the Presidential Physical Fitness Award and the National Physical Fitness Award, among numerous other academic awards.

Outside the classroom, Ben was a member of Brailey Union Church Youth Group, serving as vice president, was a student leader for Campus Life. He was President of the German Club and active in marching, concert, and jazz band. Ben participated on Anthony Wayne High School's cross country and track teams, earning varsity letters in both and serving as captain of the cross country team. He has taught hunter safety courses, fire safety courses, and obtained his student pilot license. He has been extremely involved in community service projects. I have no doubt that Ben will employ the lessons of his student leadership as he excels among the leaders at the United States Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Benjamin Van Horn on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Ben will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

EXPRESSING SUPPORT FOR ''LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT (LLEHCPA)/MATTHEW SHEPARD ACT''

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. HONDA. Madam Speaker, I rise today to express my strong support to the Local Law Enforcement Hate Crimes Prevention/Matthew Shepard Act (H.R. 1913). On the night of October 6, 1998, Matthew Shepard was brutally tortured and murdered by two assailants because he was a gay man. It has been over ten years since America was shocked by that despicable hate crime, and the time for action is long overdue. Today we take a significant step towards protecting Americans from being violently attacked simply for being who they are.

Hate crimes continue to spread fear throughout targeted communities to this day. Last year, 18-year old Angie Zapata, a transgendered woman, was murdered by an assailant who defended himself by saying ''it's not like I killed a straight, law-abiding citizen.'' While Angie's murderer was recently convicted for this hate crime, Colorado is the exception in hate crime laws. Most states do not extend hate crime legislation to protect transgendered Americans, leaving some of the most vulnerable members of society with inadequate protections.

Protecting citizens from violence is one of the fundamental roles of government. This legislation is necessary to ensure that no American has to live in fear of violence simply because of who they are. In 2008, the FBI reported a 6% increase in violent crimes against lesbian, gay, bisexual, and transgender (LGBT) Americans, despite a 1% overall decline of hate crimes in the U.S. As we mark the ten year anniversary of Matthew's horrific death, and the one year anniversary of the brutal murder of Angie, we must commit ourselves to decide that now is the moment when we push back against the forces of hate.

Opponents of the Matthew Shepard Act have claimed that its passage will result in the criminalization of protected speech—even the imprisonment of preachers for condemning homosexuality. This could not be further from the truth. The Act expressly states that it does not prohibit ''any expressive conduct . . ., or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution.'' This means that nobody can be prosecuted under the law for expressing their beliefs about homosexuality. The Act specifically targets people who commit violent acts motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of another. It also affirmatively protects free speech ensuring that Americans remain free to engage in moral debate, without fear of retribution.

The Local Law Enforcement Hate Crimes Prevention Act will help guard against groups and individuals who seek to terrorize entire communities through brutal violence against targeted individuals. With its passage, we will bring about the changes needed to make clear, once and for all, that hatred of LGBTs and other minorities is no longer a conceivably legitimate excuse for violently attacking another person.

IN SPECIAL RECOGNITION OF JANELLE RUNION ON HER OFFERS OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AND THE UNITED STATES NAVAL ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Janelle Runion of Tiffin, Ohio has been offered appointments to attend the United States Military Academy and the United States Naval Academy. Janelle has accepted the offer to attend the United States Military Academy at West Point, New York.

Janelle's offer of appointment poises her to attend the United States Military Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Janelle brings an enormous amount of leadership, service, and dedication to the incoming Class of 2013. While attending Tiffin Columbian High School in Tiffin, Ohio, Janelle attained an impressive grade point average; was inducted into the National Honor Society and the National Technical Honor Society; participated in Tiffin Columbian's Student Forum, and was active in the Spanish Club.

Throughout high school, Janelle was a member of the track, basketball, and soccer teams. Janelle demonstrated her dedication and service to her community and peers by being active with the TC Crew Club and by serving as a Tech Center Ambassador. In addition, Janelle utilized her leadership skills by being the secretary of her class for three years and coaching in Tiffin City Schools' elementary league basketball program. I am confident that Janelle will carry the lessons of her student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Janelle Runion on the acceptance of her appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available. I am positive that Janelle will excel during her career at West Point and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

Daily Digest

HIGHLIGHTS

Senate passed S. 386, Fraud Enforcement and Recovery Act.

Senate

Chamber Action

Routine Proceedings, pages S4765–S4830

Measures Introduced: Nineteen bills and three resolutions were introduced, as follows: S. 903–921, S. Res. 115–116, and S. Con. Res. 20. **Pages S4806–07**

Measures Passed:

Fraud Enforcement and Recovery Act: By 92 yeas to 4 nays (Vote No. 171), Senate passed S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, as amended. **Pages S4774–81**

Budget Resolution Conference Report—Agreement: A unanimous-consent agreement was reached providing that at approximately 10:30 a.m., on Wednesday, April 29, 2009, Senate will begin the statutory debate time with respect to the conference report to accompany S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, notwithstanding the receipt of papers from the House of Representatives; provided further, that when the Senate receives a message from the House of Representatives regarding S. Con. Res. 13, Senate proceed to consideration of the conference report. **Page S4830**

Nomination Confirmed: Senate confirmed the following nomination:

By 65 yeas 31 nays (Vote No. EX. 172), Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services. **Pages S4766–74, S4782–95, S4830**

Nominations Received: Senate received the following nominations:

Paul N. Stockton, of California, to be an Assistant Secretary of Defense.

Rebecca M. Blank, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence. **Page S4830**

Messages from the House: **Page S4804**

Measures Referred: **Page S4804**

Enrolled Bills Presented: **Page S4804**

Executive Communications: **Pages S4804–06**

Executive Reports of Committees: **Page S4806**

Additional Cosponsors: **Pages S4807–08**

Statements on Introduced Bills/Resolutions: **Pages S4808–29**

Additional Statements: **Pages S4803–04**

Notices of Hearings/Meetings: **Page S4829**

Authorities for Committees to Meet: **Pages S4829–30**

Privileges of the Floor: **Page S4830**

Record Votes: Two record votes were taken today. (Total—172) **Pages S4777, S4795**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:54 p.m., until 9:30 a.m. on Wednesday, April 29, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4830.)

Committee Meetings

(Committees not listed did not meet)

SWINE FLU

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine public

health response to swine flu, after receiving testimony from Rear Admiral Anne Schuchat, Interim Deputy Director, Science and Public Health Program, Centers for Disease Control and Prevention; Anthony Fauci, Director, National Institute for Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services; John R. Clifford, Deputy Administrator, National Animal Health and Policy Program, Department of Agriculture; and Paul Jarris, Association of State and Territorial Health Officials, Arlington, Virginia.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Raymond Edwin Mabus, Jr., of Mississippi, to be Secretary, who was introduced by Senators Cochran and Wicker, and Robert O. Work, of Virginia, to be Under Secretary, both of the Department of the Navy, Elizabeth Lee King, of the District of Columbia, to be Assistant Secretary for Legislative Affairs, who was introduced by Senator Reed, Michael Nacht, of California, to be Assistant Secretary for Global Strategic Affairs, and Wallace C. Gregson, of Colorado, to be Assistant Secretary for Asian and Pacific Security Affairs, who was introduced by Senator Webb, all of the Department of Defense, Donald Michael Remy, of Virginia, to be General Counsel, who was introduced by Senator Landrieu, and Jo-Ellen Darcy, of Maryland, to be Assistant Secretary for Civil Works, who was introduced by Senator Baucus, both of the Department of the Army, and Ines R. Triay, of New Mexico, to be Assistant Secretary of Energy for Environmental Management, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Ronald C. Sims, of Washington, to be Deputy Secretary, Peter A. Kovar, of Maryland, to be Assistant Secretary for Congressional and Intergovernmental Affairs, Helen R. Kanovsky, of Maryland, to be General Counsel, and John D. Trasvina, of California, to be Assistant Secretary for Fair Housing and Equal Opportunity, all of the Department of Housing and Urban Development, David S. Cohen, of Maryland, to be Assistant Secretary of the Treasury for Terrorist Financing, and Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

FORMALDEHYDE IN TEXTILES AND CONSUMER PRODUCTS

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance concluded a hearing to examine formaldehyde in textiles and consumer products, after receiving testimony from Senator Casey; Ruth A. Etzel, American Academy of Pediatrics, and Phillip Wakelyn, Wakelyn Associates, LLC, both of Washington, D.C.; and David Brookstein, Philadelphia University School of Engineering and Textiles, Philadelphia, Pennsylvania.

FUTURE OF NATIONAL SURFACE TRANSPORTATION POLICY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded a hearing to examine the future of national surface transportation policy, after receiving testimony from Ray LaHood, Secretary of Transportation; Ned S. Holmes, Texas Transportation Commission, Houston; Steve Heminger, National Surface Transportation Policy and Revenue Study Commission, Oakland, California; and Anne P. Canby, Surface Transportation Policy Partnership, and James Corless, Transportation for America, both of Washington, D.C.

CLEAN ENERGY DEPLOYMENT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine financing for deployment of clean energy and energy efficiency technologies and to enhance United States' competitiveness in this market through the creation of a Clean Energy Deployment Administration within the Department of Energy, after receiving testimony from Matthew Rogers, Senior Advisor for the Recovery and Reinvestment Act, Office of the Secretary, Department of Energy; Dan W. Reicher, Google, Mountain View, California; John Denniston, Kleiner Perkins Caufield & Byers, Menlo Park, California; and Jeanine Hull, Dykema Gossett, and Joseph S. Hezir, EOP Group, Inc., both of Washington, D.C.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Michelle DePass, of New York, and Cynthia J. Giles, of Rhode Island, who was introduced by Senator Whitehouse, each to be an Assistant Administrator, and Mathy Stanislaus, of New Jersey, to be Assistant Administrator for Office of Solid Waste, all of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf.

WAR POWERS IN THE 21ST CENTURY

Committee on Foreign Relations: Committee concluded a hearing to examine war powers in the 21st Century, after receiving testimony from James A. Baker III, and Warren Christopher, both a former Secretary

of State; and Lee H. Hamilton, Woodrow Wilson International Center, Washington, D.C.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State, after the nominee, who was introduced by Senators Dodd and Lieberman, testified and answered questions in his own behalf.

CYBER SECURITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine cyber security, focusing on developing a national strategy, after receiving testimony from Stewart A. Baker, Steptoe and Johnson LLP, and James A. Lewis, Center for Strategic and International Studies, both of Washington, D.C.; Alan Paller, SANS Institute, Bethesda, Maryland; and Tom Kellerman, Core Security Technologies, Boston, Massachusetts.

GOVERNMENT AND DIGITAL FUTURE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine advancing America into the 21st Century and a digital future, after receiving testimony from Vivek Kundra, Federal Chief Information Officer and Administrator, and Karen S. Evans, former Administrator, each for Electronic Government and Information Technology, Office of Management and Budget; David A. Powner, Director, Information Technology Management Issues, Government Accountability Office; and Phillip J. Bond, TechAmerica, Washington, D.C.

WORKPLACE SAFETY

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety concluded a hearing to examine introducing meaningful incentives for safe workplaces and meaningful roles for victims and their families, after receiving testimony from Celeste Monforton, George Washington University School of Public Health and Health Services, Washington, D.C.; James S. Frederick, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, Pennsylvania; Tammy Miser, United Support and Memorial for Workplace Fatalities, Lexington, Kentucky; and Warren K. Brown, American Society of Safety Engineers, Des Plaines, Illinois.

NATIONAL HEALTH CARE REFORM

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine individual state experiences with health care reform coverage initiatives in the context of national reform, after receiving testimony from Utah House of Representatives Speaker David Clark, and Brent C. James, Intermountain Healthcare Institute for Health Care Delivery Research, both of Salt Lake City, Utah; Jon Kingsdale, Commonwealth Health Insurance Connector Authority, and Eileen McAnneny, Associated Industries of Massachusetts, both of Boston, Massachusetts; Susan Besio, Vermont Director of Health Care Reform, and Harry Chen, both of Burlington, Vermont; and Ruth Liu, Kaiser Foundation Health Plan and Kaiser Foundation Hospitals, Oakland, California.

VICTIMS OF CRIME ACT

Committee on the Judiciary: Committee concluded a hearing to examine the Victims of Crime Act, focusing on 25 years of protecting and supporting victims, after receiving testimony from Judith A. Rex, Vermont Center for Crime Victim Services, Waterbury; Mary Lou Leary, National Center for Victims of Crime, Washington, D.C.; Keith Perkins, The Never Again Foundation, Chandler, Arizona; Steve Derene, National Association of VOCA Assistance Administrators, Madison, Wisconsin; and Susan S. Russell, Warren, Vermont.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 27 public bills, H.R. 2132–2158; and 7 resolutions, H. Con. Res. 111–113; and H. Res. 373–376, were introduced. **Pages H4913–15**

Additional Cosponsors: **Pages H4915–16**

Reports Filed: Reports were filed today as follows:

H. Res. 371, providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014 (H. Rept. 111–90) and

H. Res. 372, providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes (H. Rept. 111–91). **Page H4913**

Speaker: Read a letter from the Speaker wherein she appointed Representative Capps to act as Speaker Pro Tempore for today. **Page H4843**

Recess: The House recessed at 10:44 a.m. and reconvened at noon. **Page H4845**

Order of Procedure: The House agreed by unanimous consent that it may be in order at any time on Wednesday, April 29th for the Speaker, as though pursuant to clause 2(b) of rule 18, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and that consideration of the bill proceed according to the following order: the first reading of the bill is dispensed with; all points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule 21; general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking member of the Committee on Financial Services; after general debate, the Committee of the Whole shall rise without motion; and, no further consideration of H.R. 627 shall be in order except pursuant to a subsequent order of the House. **Pages H4847–48**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York: H. Res. 340, to express sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York; **Pages H4848–50**

Expressing heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama, on March 10, 2009: H. Res. 341, to express heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama, on March 10, 2009; **Pages H4850–52**

Brian K. Schramm Post Office Building Designation Act: H.R. 1595, to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building", by a ⅔ recorded vote of 420 ayes with none voting "no", Roll No. 215; **Pages H4852–53, H4891**

Expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day": H. Res. 342, to express support for designation of May 2, 2009, as "Vietnamese Refugees Day"; **Pages H4853–55**

Providing for the award of a gold medal on behalf of Congress to Arnold Palmer: H.R. 1243, to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf, by a ⅔ yea-and-nay vote of 422 yeas to 1 nay with 1 voting "present", Roll No. 210; **Pages H4857–62, H4880**

Calling on the President and the allies of the United States to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity: H. Con. Res. 36, amended, to call on the President and the allies of the United States to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity, to urge officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson, and to call on the Government of Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation; **Pages H4864–66**

Agreed to amend the title so as to read: "Calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling

on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.''. **Page H4866**

Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica: H. Res. 76, amended, to mourn the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and to express the sense of Congress that the United States should assist the affected people and communities; and **Pages H4866–67**

Agreed to amend the title so as to read: ''Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica.''. **Page H4867**

Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month: H. Con. Res. 104, to support the goals and ideals of National Sexual Assault Awareness and Prevention Month. **Pages H4871–73**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, April 27th:

Commending the University of Connecticut Huskies: H. Res. 344, to commend the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament, by a ⅔ yea-and-nay vote of 425 yeas with none voting ''nay'', Roll No. 211. **Pages H4880–81**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Supporting the goals and ideals of Financial Literacy Month 2009: H. Res. 357, to support the goals and ideals of Financial Literacy Month 2009; **Pages H4855–57**

Family Self-Sufficiency Act of 2009: H.R. 46, to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development; and **Pages H4862–64**

Supporting the mission and goals of 2009 National Crime Victims' Rights: H. Res. 109, to support the mission and goals of 2009 National Crime Victims' Rights week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984. **Pages H4867–71**

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules: The House agreed to H. Res. 365, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, by a yea-and-nay vote of 233 yeas to 191 nays, Roll No. 212, after agreeing to order the previous question without objection. **Paged H4873–80, H4881–82**

Setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014—Conference Report: The House began consideration of the conference report to accompany S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014. Further proceedings were postponed. **Pages H4891–97**

H. Res. 371, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 234 yeas to 185 nays, Roll No. 214. **Pages H4882–91**

Agreed to the McGovern amendment to the rule by a yea-and-nay vote of 240 yeas to 179 nays, Roll No. 213, after agreeing to order the previous question without objection. **Pages H4889–90**

United States Group of the NATO Parliamentary Assembly—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly, in addition to Representative Tanner, Chairman, appointed on February 13, 2009: Representative Tauscher, Vice Chairman; Representatives Ross, Chandler, Larson (CT), Meek (FL), Scott (GA), and Bean. **Page H4897**

Mexico-United States Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Representative Pastor, Chairman; Representative Giffords, Vice Chairman; Representative Linda Sánchez (CA), Filner, Reyes, Rodriguez, and Gene Green (TX). **Page H4897**

Board of Visitors to the United States Military Academy—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Representatives Hinchey and Hall (NY). **Page H4897**

Board of Trustees of the Congressional Hunger Fellows Program—Appointment: The Chair announced the Speaker's appointment of the following Member to the Board of Trustees of the Congressional Hunger Fellows Program for a term of 4 years: Mr. James P. McGovern of Worcester, Massachusetts. **Page H4897**

Board of Trustees of Gallaudet University—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Representative Woolsey. **Page H4897**

Board of Trustees of the Harry S Truman Scholarship Foundation—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Board of Trustees of the Harry S Truman Scholarship Foundation: Representative Skelton. **Page H4897**

Dwight D. Eisenhower Memorial Commission—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Representatives Moore (KS) and Boswell. **Page H4897**

National Historical Publications and Records Commission—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the National Historical Publications and Records Commission: Representative Larson (CT). **Page H4897**

Japan-United States Friendship Commission—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Japan-United States Friendship Commission: Representative McDermott. **Page H4897**

Abraham Lincoln Bicentennial Commission—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Abraham Lincoln Bicentennial Commission: Representative Jackson (IL). **Page H4897**

Senate Message: Message received from the Senate today appears on page H4880.

Senate Referrals: S. 386 was held at the desk.

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H4880, H4881, H4881–82, H4889–90, H4890–91, and H4891. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 9:35 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies, on the Department of Commerce. Testimony was heard from Gary Locke, Secretary of Commerce.

FINANCIAL SERVICES, GENERAL GOVERNMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, General Government and Related Agencies continued appropriations hearings. Testimony was heard from Members of Congress.

INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies continued appropriations hearings. Testimony was heard from public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on the GAO. Testimony was heard from the following officials of the GAO: Gene Dodaro, Acting Comptroller General; and Sallyanne Harper, Chief Administrative Officer.

The Subcommittee held a hearing on the Office of Compliance. Testimony was heard from the following officials of the Office of Compliance: Tamara Chrisler, Executive Director; and Peter Eveleth, General Counsel.

The Subcommittee also held a hearing on the Public Printer of the United States. Testimony was heard from Robert Tapella, Public Printer, Government Printing Office.

DEFENSE ACQUISITION WORKFORCE

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on the Acquisition Workforce: Merely a Business Expense or a Force Multiplier for the Warfighter? Testimony was heard from the following officials of the Department of Defense: Shay Assad, Director, Defense Procurement Acquisition Policy and Strategic Sourcing, Acting Deputy Under Secretary, Acquisition and Technology; LTG Ross Thompson, USA, Military Deputy to the Assistant Secretary, Acquisition, Logistics and Technology, Department of the Army; James Thomsen, Principal Civilian Deputy to the Assistant Secretary (Research, Development and Acquisition), Department of the Navy; and LTG Mark Shackelford, USAF, Military Deputy, Office of the Assistant Secretary, Acquisition, Department of the

Air Force; and John K. Needham, Director, Acquisition and Sourcing Issues, GAO.

WORKPLACE HEALTH SAFETY

Committee on Education and Labor: Held a hearing on OSHA's Penalties Adequate to Deter Health and Safety Violations. Testimony was heard from public witnesses.

IRAN SANCTIONS ENABLING ACT; MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 1327, Iran Sanctions Enabling Act of 2009.

The Committee began markup of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1748, amended, Fight Fraud Act of 2009; H.R. 1788, False Claims Act Correction Act of 2009; and H.R. 1676, amended, PACT Act.

RETAILING PRICE FIXING

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on Bye Bye Bargains? Retail Price Fixing, the Leegin Decision, and Its Impact on Consumer Prices. Testimony was heard from Pamela Jones Harbour, Commissioner, FTC; and public witnesses.

AMERICAN RECOVERY AND REINVESTMENT ACT—BUREAU OF RECLAMATION/WATER RESOURCES

Committee on Natural Resources: Subcommittee on Water and Power held an oversight hearing entitled "American Recovery and Reinvestment Act Funds for the Bureau of Reclamation and the Water Resources Division of the United States Geological Survey (USGS)," Testimony was heard from the following officials of the Department of the Interior: Bill McDonald, Acting Commissioner, Bureau of Reclamation; and Matthew C. Larsen, Associate Director, Water, U.S. Geological Survey; and public witnesses.

OVERSIGHT—USAID MANAGEMENT

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement held an oversight hearing on U.S. Agency for International Development: Management Challenges and Strategic Objectives. Testimony was heard from Thomas Melito, Director, International Affairs and Trade, GAO; the following former officials of the U.S. Agency for International Development, Department of State: Mike Walsh, Director, Procurement; and Jim Kunder, Deputy Administrator; and a public witness.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Committee on Rules: Granted, by a record vote of 7 to 3, a rule providing for consideration of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. The rule provides for one hour and twenty minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time.

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 the Judiciary, modified by the amendment printed in the report of the Committee on Rules, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Conyers and Representative Goodlatte.

CONFERENCE REPORT—CONCURRENT BUDGET RESOLUTION FISCAL YEAR 2010

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of the conference report to accompany S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010. The rule provides one hour of debate on the conference report equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

HIGH—PERFORMANCE BUILDINGS/ INDUSTRIES

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Pushing the Efficiency Envelope: R&D for High-Performance Buildings, Industries and Consumers. Testimony was heard from Steven Chalk, Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

SPACE ENVIRONMENT SAFETY

Committee on Science and Technology: Subcommittee on Space and Aeronautics held a hearing on Keeping the Space Environment Safe for Civil and Commercial Users. Testimony was heard from LTG Larry D.

James, USAF, Commander, 14th Air Force, Air Force Space Command, and Commander, Joint Functional Component Command for Space, U.S. Strategic Command, Department of Defense; Nicholas Johnson, Chief Scientist, Orbital Debris, NASA; and public witnesses.

HIGH PRIORITY PROJECT PROGRAM

Committee on Transportation and Infrastructure:, Subcommittee on Highways and Transit held a hearing on High Priority Project Program. Testimony was heard from Representatives Blumenauer, Heller, Larsen of Washington, Posey, DeGette, McKeon, Brown of South Carolina, Boozman, Edwards of Maryland, Dent, Carney, Davis of Kentucky, Driehaus, Foster, Melancon, Hare, Napolitano and Schrader.

FEDERAL RECOVERY COORDINATION PROGRAM

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Leaving No One Behind: Is the Federal Recovery Coordination Program Working? Testimony was heard from the following officials of the Department of Veterans Affairs: Karen Guice, M.D., Executive Director, Federal Recovery Coordination Program; and Madhulika Agarwal, M.D., Chief Officer, Office of Patient Care Services, Veterans Health Administration; and representatives of veterans organizations; and public witnesses.

SSA RECOVERY ACT IMPLEMENTATION

Committee on Ways and Means: Subcommittee on Social Security held an oversight hearing on the Social Security Administration's provisions in the American Recovery and Reinvestment Act of 2009. Testimony was heard from the following officials of the SSA: Mary Glenn-Croft, Deputy Commissioner, Budget, Finance and Management; and Patrick O'Carroll, Inspector General; Rob Hewell, Acting Deputy Commissioner, Public Buildings Service, GSA; Valerie Melvin, Director of Information Management and Human Capital Issues, GAO; and Sylvester J. Schieber, Chairman, Social Security Advisory Board.

BRIEFING—FUNDING INTELLIGENCE PRIORITIES

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Funding Intelligence Priorities. The Committee was briefed by departmental witnesses.

Joint Meetings

BUDGET RESOLUTION

On Monday, April 27, 2009 *Conferees* agreed to file a conference report on the differences between the Senate and House passed versions of S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

GENDER PAY GAP

Joint Economic Committee: Committee concluded a hearing to examine new evidence on the persistence of the gender pay gap, after receiving testimony from Andrew Sherrill, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; Randy Albelda, University of Massachusetts Boston Center for Social Policy; and Lisa M. Maatz, American Association of University Women, and Diana Furchtgott-Roth, Hudson Institute, both of Washington, D.C.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 29, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine the implementation of Wounded Warrior policies and programs, 2:30 p.m., SH–216.

Committee on Finance: to hold a closed meeting to examine transforming the health care delivery system, focusing on proposals to improve patient care and reduce health care costs, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Johnnie Carson, of Illinois, to be Assistant Secretary for African Affairs, and Luis C. de Baca, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, both of the Department of State, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of Russlynn Ali, of California, to be Assistant Secretary for Civil Rights, Carmel Martin, of Maryland, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Charles P. Rose, of Illinois, to be General Counsel, Peter Cunningham, of Illinois, to be Assistant Secretary for Communications and Outreach, and Gabriella Cecilia Gomez, of California, to be Assistant Secretary for Legislation and Congressional Affairs, all of the Department of Education, Brian Kennedy, of Virginia, to be Assistant Secretary for Congressional and Intergovernmental Affairs, and T. Michael Kerr, of the District of Columbia, to be Assistant Secretary for Administration and Management, both of the Department of Labor, and Thomasina Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission, 10 a.m., SD–430.

Full Committee, to hold hearings to examine the swine flu epidemic, focusing on the public health and medical response, 3 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine swine flu, focusing on coordinating the federal response, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the federal government's role in empowering Americans to make informed financial decisions, 2:30 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Crime and Drugs, to hold hearings to examine restoring fairness to federal sentencing, focusing on addressing the crack-powder disparity, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine pending benefits related legislation, 9:30 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine the life settlement market, focusing on what is at stake for seniors, 2 p.m., SD–106.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing on the U.S. Department of Agriculture's Office of the Assistant Secretary for Civil Rights, 10:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, on NASA, 10 a.m., 2359 Rayburn.

Subcommittee on Financial Services, General Government and Related Agencies, on the FCC, 10 a.m., B–308 Rayburn.

Subcommittee on Legislative Branch, on the Library of Congress and Open World Leadership Center, 1:30 p.m., H–144 Capitol.

Committee on Armed Services, hearing on Effective Counterinsurgency: The Administration's Perspective on the Future of the U.S.-Pakistan Military Partnership, 1 p.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on Military Health System: Health Affairs/TRICARE Management Activity Organization, 10 a.m., 2118 Rayburn.

Committee on Education and Labor, hearing on Strengthening America's Competitiveness through Common Academic Standards, 10 a.m., 2175 Rayburn.

Committee on Financial Services, to continue markup of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act, 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Member briefing on Transportation Worker Identification Card,. 10 a.m., 311 Cannon.

Committee on House Administration, hearing on Library of Congress IT Strategic Planning, 11 a.m., 1310 Longworth.

Committee on Natural Resources, to mark up the following bills: H.R. 1018, To amend the Wild and Free-Roaming Horses and Burros Act to improve the management and long-term health of wild and free-roaming horses and burros, and for other purposes; and H.R. 689, To interchange the administrative jurisdiction of certain Federal lands between the Forest Services and the Bureau of Land Management, and for other purposes, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, oversight hearing on the Washington Metropolitan Area Transit Authority (WMATA), 10 a.m., 2154 Rayburn.

Subcommittee on National Security, hearing entitled "National Security Implications of U.S. Policy toward Cuba," 2 p.m., 2154 Rayburn.

Committee on Rules to consider H.R. 627, Credit Cardholders' Bill of Rights Act of 2009, 3 p.m., H–313 Capitol.

Committee on Science and Technology, to mark up the following bills: H.R. 2020, Networking and Information Technology Research and Development Act of 2009; H.R. 1736, International Science and Technology Cooperation Act of 2009; and H.R. 1709, STEM Education Coordination Act of 2009, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Climate Change Solutions for Small Businesses and Family Farmers," 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on Recovery Act: 10-Week Progress Report for Transportation and Infrastructure Programs, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on Funding the VA of the Future, 10 a.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on Health Reform in the 21st Century: Employer Sponsored Insurance, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, a briefing on HUMINT/HUMINT-Enabling, 10 a.m., and, executive, a briefing on Overhead, 3:30 p.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 29

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of the conference report to accompany S. Con. Res. 13, Budget Resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 29

House Chamber

Program for Wednesday: Complete consideration of the conference report to accompany S. Con. Res. 13—Setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014. Consideration of H.R. 1913—Local Law Enforcement Hate Crimes Prevention Act of 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Alexander, Rodney, La., E1000
Bachmann, Michele, Minn., E1000, E1001
Berman, Howard L., Calif., E1002
Blumenauer, Earl, Ore., E1001
Brady, Robert A., Pa., E1003
Burgess, Michael C., Tex., E995
Carney, Christopher P., Pa., E992
Carson, André, Ind., E996, E998, E1001
Engel, Eliot L., N.Y., E992
Fleming, John, La., E1000
Fortenberry, Jeff, Nebr., E991, E996
Frelinghuysen, Rodney P., N.J., E995
Garrett, Scott, N.J., E994, E998
Graves, Sam, Mo., E991, E996, E997, E998, E999
Green, Al, Tex., E997
Honda, Michael M., Calif., E1004
Inslee, Jay, Wash., E1003
Johnson, Eddie Bernice, Tex., E994
Johnson, Timothy V., Ill., E993
Kennedy, Patrick J., R.I., E993
Larson, John B., Conn., E1003
Latta, Robert E., Ohio, E996, E997, E998, E998, E1000, E1001, E1002, E1004, E1004
Loebsack, David, Iowa, E994
Maloney, Carolyn B., N.Y., E992
Miller, Candice S., Mich., E991
Moore, Dennis, Kans., E995
Norton, Eleanor Holmes, D.C., E999
Sánchez, Linda T., Calif., E997
Schrader, Kurt, Ore., E1002
Shuler, Heath, N.C., E992, E996
Shuster, Bill, Pa., E995
Space, Zachary T., Ohio, E991, E992, E993, E993, E994, E995, E995, E996, E996
Towns, Edolphus, N.Y., E994
Wexler, Robert, Fla., E993
Wittman, Robert J., Va., E991
Wolf, Frank R., Va., E993

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.